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CURRENT TOPICS

The Law Society's Annual General Meeting

AT last week's annual general meeting of members of The Law Society, Mr. D. L. BATESON, C.B.E., M.C., was elected President and Mr. WILLIAM CHARLES CROCKER, M.C., Vice-President. To both we offer our congratulations and the hope that they will enjoy a successful year of office. On the motion for the adoption of the Council's Report the main discussion centred on remuneration, as it has tended to do for several years past, and there could be no mistaking the profession's growing dissatisfaction with the protracted and so far unproductive years of negotiation. The difficulty of obtaining, and even of retaining, competent staff was again stressed, as it has been on previous similar occasions, and the urgency of this problem is emphasised by current correspondence published in this Journal putting the viewpoint of the unadmitted clerk. An amendment to the motion was carried, recording the meeting's grave concern at the delay on the part of the Lord Chancellor and the Statutory Committee in carrying out the recommendations of the Council, and calling on the Council to convene a special general meeting in November to report the further progress of the negotiations. There, for the moment, the matter rests; but it is an uneasy rest, and it is clear that at the November meeting searching questions will be asked. An account of the meeting, together with the text of the President's circulated address, appears at p. 440.

The New Stamp Duty Rates Now In Force

ON the 9th July the Royal Assent was signified to the Finance Bill, and under the terms of what is now s. 73 of the Finance Act, 1952, the new reduced rates of stamp duty on small conveyances, etc., became operative on 10th July. Details of the new rates, and of the appropriate certificates of value to be inserted in the instrument, were set out in an article at p. 387, *ante*. It may be useful to recall that the criterion determining the rate of duty applicable to a particular instrument is not the date of presentation for stamping, but the date of execution. What constitutes "execution" for this purpose was discussed in an article at 91 SOL. J. 405.

Corporal Punishment

SINCE the war there has been an extraordinary division in public opinion on the subject of capital and corporal punishment. The Criminal Justice Act, 1948, abolished corporal punishment as a result of the finding of a Departmental Committee in 1938. Since then others have asked, as the LORD CHIEF JUSTICE asked at the Lord Mayor's dinner to the judges on 2nd July, that corporal punishment should be extended, and not limited, in order to deal with the increase in crimes of violence. Practical parents and teachers, like Solomon, know the value of the rod, and it seems logical that the remedy which is good for children should be good for the backward types who resort to violent crime. In reply to a question by Sir THOMAS MOORE in the Commons on

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3rd July, the HOME SECRETARY said that the number of persons found guilty in England and Wales of robbery, rape, and such offences of violence against the person as murder, attempted murder, manslaughter, and indictable assaults were 2,717 in 1947 and 4,274 in 1951. These figures show a big increase in such offences, but in the Government's view they have no relevance to the merits of corporal punishment as a court sentence. Most of the offences in 1951 would not have been amenable to sentences of corporal punishment under the former law. Mr. GEORGE BENSON, writing in *The Times* of 5th July as Chairman of the Howard League for Penal Reform, states that history subsequent to the Departmental Committee's report fully confirmed its conclusion. "From 1939 to 1948 corporal punishment was used more frequently than ever before, but, in spite of this, robbery with violence quadrupled. Since it was abolished this particular crime has fallen while the total number of crimes has increased." In spite of these figures the Lord Chief Justice's proposal will continue to attract support.

Postcard Acknowledgments

A NOTE in the July issue of the *Law Society's Gazette* comments on the dangers, while acknowledging the advantages, of the use of postcard acknowledgments in solicitors' offices. They may, it is said, if strict instructions are not given to the staff as to what should be included on them, lead to disclosure of confidential information. An extreme, but not fanciful, example is given of a postcard acknowledgment to a client in a country district headed "Re your divorce," which, it is pointed out, can cause irreparable harm. The Council have recently received representations on this subject from a provincial law society who have expressed to their members their disapproval of postcard acknowledgments being sent to clients. While the Council do not feel able to lay down a general direction of this sort, they impress upon members the need for the use of discretion with regard to the information that is given on such postcards.

Land Registry Annual Report

THE Annual Report of the Chief Land Registrar for the financial year 1951–52 has now been published. It shows that the number of first registrations increased by more than 1,400 and dealings by more than 9,000 over the figures of 1950–51; and that the whole output of nearly 400,000 cases was dealt with by a staff of 573 (69 per cent. of the staff employed in 1938). More than one-half of the first registrations were of land in the Middlesex area, while curiously enough the principal source of transfers of part proved to be the non-compulsory areas. During the year the time for completion of registrations was reduced to an average of fifteen days (first registration) and 10·6 days (dealings) in the compulsory areas, and 19·9 days (first registration) and 10·9 days (dealings) in the non-compulsory areas. The obstacle to further reduction is the fact that more than half of the typing work has to be sent out to Government typing pools. There are now over 1,000,000 registers and about 800,000 plans to be maintained in good condition and correctly filed (or repaired or replaced where necessary). As in previous years, all applications for first registration were considered for absolute or good leasehold title and such titles were granted in over 99 per cent. of cases in the compulsory areas and 95·5 per cent. of cases in the non-compulsory areas. The Report points out that, apart from the free official searches, much work is carried out for no fee or a merely nominal fee. Thus 41,170 discharges and 9,520 withdrawals of notice of deposit of land certificate were registered free of charge, and the Registry answered inquiries on registration matters at the rate of 500 a week. Out of nearly 400,000 transactions handled during 1951 only 1,883 errors were made by the Registry. Two claims were satisfied out of the insurance fund during the year, viz., £2,846 and £1,278 (more than half of the total amount paid out during the last fifty years). Arising out of the evidence given by the Surrey law societies at the Neville Gray Enquiry (as to the extension of compulsory registration to the County of Surrey) the advisory committee of solicitors and Land Registry representatives to consider difficulties in registration practice has now been set up.

The Public Trustee

THE expenses of the office of Public Trustee, according to the Forty-Fourth General Report on the Office, covering the financial year 1951–52, amounted to £479,338, an increase of £22,989 over the finally ascertained figure for the previous year. This was more than accounted for by a rise of £28,454 in salaries alone, the total figure for that item being £382,280. Pensions reserve increased by £5,102 and stationery and printing increased by £1,289. Receipts increased by £14,250 to £479,438. Five hundred and sixty-eight new cases, of a total value of £8,847,693, were accepted during the year, being twenty-two less in number and £456,592 less in value than those accepted during 1950–51. The average value of trusteeships was £14,675 compared with £17,001, and of executorships £16,514 as against £14,961. The percentage of new cases under £5,000 in value rose from 52 per cent. to 59 per cent., but the average acceptance fee remained unchanged at £117. The number of cases completely distributed during the year was 930 compared with 991, and the average value £14,428 compared with £13,959. The total value of estates completely or partially distributed was £13,417,900 compared with £13,833,500. The total number of cases accepted to the 31st March, 1952, was 46,171, of which 27,016 had been completely distributed, leaving 19,155 under administration. The total value of trusts under administration at 31st March, 1952, was estimated to be £275,181,403. The authorised establishment of the Office on 31st March, 1952, was 717, including seven vacant posts but excluding cleaning staff. Of the staff 378 were men and 332 were women.

Country Footpaths

A CAUSE deserving the support of every lover of the country is the subject of a recent memorandum submitted by the Ramblers' Association to Members of Parliament. It refers to reports that some local authorities are not recording all existing footpaths, as they are required to do under the National Parks Act, and are taking it upon themselves to omit from the survey footpaths they consider to be unnecessary, and it asks the Minister of Housing and Local Government to inform these authorities of their duties. The association states that some authorities are refusing to accept liability for the maintenance of footpaths and recommends that a test case in the name of the Attorney-General should be brought against one of the defaulting authorities. The association says that under s. 56 of the Act farmers are required to restore the surface of footpaths "as soon as may be" practicable after ploughing. "Highway authorities generally are turning a blind eye to these breaches of the law and, in some instances, are refusing to prosecute offenders." Complaint is also made of "the tendency of local authorities to take full advantage of the provisions of the Act for the closure and diversion of rights of way while showing no interest in the creation of new footpaths, for which there is also provision in the Act."

A Conveyancer's Diary

POWERS: TIME WHEN APPOINTED INTERESTS TAKE EFFECT

THE rule in *Whitby* v. *Mitchell* (1890), 44 Ch. D. 85, was abolished in 1925, and it is a rare case in which the application of the rule will now have to be considered. *Re Leigh's Marriage Settlement* [1952] 1 T.L.R. 1463; *ante*, p. 412, was not such a case, for the question which was there considered was not the rule itself, but the circumstances of its abolition.

The rule itself was one which applied to limitations of real estate, and it forbade the limitation of real property to a person for life, with remainder to his unborn child and then to the child of such unborn child. By the application of the rule, the last remainder in such a case (to the unborn child of an unborn child) was held to be absolutely void. The result of the application of this rule was to secure the alienability of real estate, any limitations to the contrary notwithstanding, within a period comparable to that permitted by the modern rule against perpetuities. Under the rule as applied in *Whitby* v. *Mitchell* the utmost that a settlor could do was to limit lands to the use of X for life with remainder (if X was unmarried at the date of the limitation) to the child or children of X either in fee simple or in tail; and in either case, on the child or children of X attaining his or their majority or majorities respectively, he or they could combine with X in putting an end to the limitations and disposing of the property subject to the limitations for an absolute interest in fee simple. The rule was a rule against inalienability, an object which it most successfully achieved.

It was held, however, in *Re Ashforth* [1905] 1 Ch. 535 that a legal contingent remainder, i.e., a remainder of a legal estate, of the kind to which the rule in *Whitby* v. *Mitchell* particularly applied, was also subject to the (modern) rule against perpetuities, i.e., the rule which requires that a future interest in any property, if it vests at all, shall vest during a period not exceeding the life or lives of a person or persons living or *en ventre sa mère* at the date of the limitation and twenty-one years thereafter. After this decision the rule in *Whitby* v. *Mitchell* lost much of its point, and it was finally abolished by the Law of Property Act, 1925, s. 161, which provided as follows:—

> "(1) The rule of law prohibiting the limitation, after a life interest to an unborn person, of an interest in land to the unborn child or other issue of an unborn person is hereby abolished, but without prejudice to any other rule relating to perpetuities.
>
> (2) This section only applies to limitations or trusts created by an instrument coming into operation after the commencement of this Act."

In the present case, by a marriage settlement made in 1913, certain land and rent-charges were settled after the solemnisation of the marriage to the use of H during his life and after his death, subject to certain provisions for W, to the use of the children or remoter issue of H, such remoter issue to be born and take within twenty-one years from the death of H, as H should appoint, "but so that no such appointment shall infringe the rule against limiting an estate to an unborn person for life with remainder to the child of such person." The rule so stated was, of course, the rule in *Whitby* v. *Mitchell*, and as Vaisey, J., pointed out in his judgment in this case, this direction that no appointment should infringe this rule was at that date otiose, since an appointment which did infringe the rule would then have been void as regards the ultimate remainder to the unborn child of any unborn child of H. This direction was, therefore, no more than a reminder to the draftsman of any instrument intended to exercise the power thus conferred upon H "that there was a particular pitfall that he should be careful to avoid."

By a deed of appointment made in 1946 H appointed part of the settled property to a son of the marriage for life, with remainder on trust for all the children of the son born before the expiration of twenty-one years (less one day) from the date of the death of H. This appointment clearly infringed the rule in *Whitby* v. *Mitchell*, but it was argued that the abolition of the rule by the Law of Property Act, 1925, had the effect of saving the appointment. This question depended on the meaning to be given to subs. (2) of s. 161 of the Act and thus resolved itself into the question whether the limitations contained in the appointment of 1946 had been created by that instrument, within the meaning of the subsection, or by the settlement of 1913, or by the settlement and the appointment in conjunction.

Until this decision there was no direct authority on the construction of s. 161 (2), but two somewhat similar provisions of the Trustee Act, 1925, have been construed by the court. Subsection (5) of s. 31 of that Act (which contains provisions for the maintenance of infants) provides that "this section does not apply where the instrument, if any, under which the interest arises came into operation before the commencement of this Act." The overriding condition for the application of this section is that property should be held in trust for a person for some interest, and in *Re Dickinson's Settlement* [1939] Ch. 27 it was held that where a power of appointment conferred by a settlement made before 1926 was exercised after 1925, the document exercising the power and not that creating it was the instrument under which the appointed interest arose. On the other hand, subs. (3) of s. 32 of the Act (which contains provisions for the advancement of beneficiaries) uses a different formula, which has received a different interpretation. Subsection (3) of s. 32 provides that "this section does not apply to trusts constituted or created before the commencement of this Act," and in *Re Batty* [1952] Ch. 280 Vaisey, J., held that where the will of a person dying before 1926 conferred a power which was exercised by a document dated after 1925, the trusts set up by the appointment were constituted before 1926, and that the statutory power of advancement did not, accordingly, apply for the benefit of beneficiaries taking under the appointment. This case, together with *Re Dickinson's Settlement*, *supra*, and the decision of the House of Lords in the Scottish case of *Muir or Williams* v. *Muir* [1943] S.C. (H.L.) 47 were considered in an article at p. 160, *ante*, where the reasons which led to different results in *Re Dickinson's Settlement*, *supra*, and *Re Batty*, *supra*, despite the apparent similarity of the provisions with which those two decisions were concerned, were fully examined. In the present case the learned judge freely admitted that the problem before him was capable of argument both ways, but the *proxima causa* of the limitations contained in the appointment was, in his judgment, the appointment and not the settlement, with the result that the limitations which infringed the rule in *Whitby* v. *Mitchell* had been created by an instrument coming into operation after 1925, and *quoad* those limitations the rule in *Whitby*

v. *Mitchell* had been abolished. The prohibition against infringement of the rule contained in the settlement of 1913 had, therefore, no operation because by the time that it could have taken effect—the date of the appointment—the rule itself had gone, and there was no rule left to be infringed. On this construction of s. 161 (2), the appointment of 1946 was valid and effectual.

Re Leigh's Marriage Settlement was a very unusual case, and the circumstances which there arose are not likely to be repeated. But apart from the opportunity afforded by a consideration of this case of reminding oneself of the rule in *Whitby* v. *Mitchell* (which is still, and will for some time longer remain, an important rule in examining the title to real property), this decision emphasises the dangers implicit in the loose but widely accepted assertion that the effect of an instrument exercising a power can only be determined by reading that instrument as if it were one with the instrument which created the power. For many purposes the two instruments are independent of each other, and the appointment takes effect without regard to the circumstances existing at the date of the creation of the power.

"A B C"

Landlord and Tenant Notebook

THE AGRICULTURAL HOLDINGS ACT AND NOTICE TO QUIT PART

It so happened that shortly after reading the judgment of the Scottish Land Court in *McGhie* v. *Lang* (a copy having been kindly sent to this Journal), which I will presently discuss, I picked up a copy of *The Times* of 27th June, 1952, and read: "Supporters of the Defamation (Amendment) Bill are, however, hoping that the Bills which precede it, relating to affiliation orders, the disposal of uncollected goods, the Lancaster Palatine Court, cockfighting and hypnotism, will in fact be disposed of in time . . ." and myself formed the hope that the various promoters would exercise more care in defining subject-matter (at all events in some cases) than did those responsible for s. 1 (1) of the Agricultural Holdings Act, 1948.

It is, indeed, astonishing and regrettable that an enactment which affects so many people directly, and so many more indirectly, should define its subject-matter in these terms: "In this Act the expression 'agricultural holding' means *the aggregate of* the agricultural land comprised in a contract of tenancy, not being a contract under which the land is let to the tenant during his continuance in any office, appointment or employment held under the landlord."

A demises to B premises consisting partly of agricultural land (defined in the next subsection as land used for agriculture which is so used for the purposes of a trade or business, etc.) and partly of non-agricultural land, the demise being effected by a contract of tenancy (which is defined in s. 94: a letting of land . . . for a term of years or from year to year, etc.). Are the premises all an "agricultural holding," or do the words "the aggregate of the agricultural land comprised in" limit the application of the statute to the agricultural part?

Among the rights which may be affected are the "security of tenure" privileges conferred by ss. 23 and 24; the first invalidates any notice to quit an agricultural holding which purports to terminate the tenancy before the expiration of twelve months from the end of the then current year, the second entitles a tenant who receives a valid notice to quit to serve a counter-notice which will nullify the notice to quit unless the landlord obtains Ministerial consent to its operation. (There are, of course, exceptions in each case.)

So far, the problem has been raised in *Dunn* v. *Fidoe* (1950), 66 T.L.R. (Pt. 2) 611 (C.A.) and *Hoskins* v. *Jardine* [1951] 1 All E.R. 320 (C.A.) (see 94 SOL. J. 591 and 95 SOL. J. 75), as far as reported cases are concerned; these, and an unreported county court case which the "Notebook" discussed on 29th September last (95 SOL. J. 620), afford examples of what can happen, and the judgments and arguments also give us provocative imaginary examples of what may yet happen. *Dunn* v. *Fidoe*: a village inn with outbuildings and garden (less than half an acre occupied thereby) and nearly twelve acres of orchard and pasture, the pasture having been sub-let, while the orchard yielded substantial profits to the innkeeper-fruitgrower; the inn buildings were used in connection with the fruit trade. The court held that a notice to quit had been killed by a counter-notice. Counsel having suggested that if that view was right premises consisting of a large hotel with a small portion of land used for agriculture, or of a factory with a certain amount of land from which produce was sold, would likewise qualify a tenant for security of tenure under the Agricultural Holdings Act, 1948, Tucker, L.J., observed that it was not necessary to express any concluded view on that question, but that it *might be* that a notice to quit premises of that nature could be held invalid without consent *in so far as it applied to the agricultural portion* but valid for the remainder. *Hoskins* v. *Jardine*: seven acres of agricultural land and three cottages, which latter were occupied by persons not engaged in agriculture; the lease of the whole, an "agricultural" one. The landlord did not suggest that his notice to quit was effective after consent had been refused, but sued for the rents and profits of the three cottages. This led to a discussion about severance and about Tucker, L.J.'s *dicta* in *Dunn* v. *Fidoe*. The judgments, in my submission, amount to this: in such cases substantial, not dominant, user determines status; the tenants of the hypothetical hotel and factory would not be protected for this reason, and also because the portions would be severable by nature. The county court case concerned a smithy let to the village blacksmith who had retired and whose niece, and whose niece's husband (a railwayman) shared the cottage accommodation; with that accommodation went a croft of land; the blacksmith and the married couple had produced hens, apples and fruit in excess of their own requirements, and sold hay yielded by the grass in the orchard. It was held (the "Notebook" respectfully submitted wrongly so) that the premises were an agricultural holding. And this time hypothetical examples emanated from the Bench; the learned judge suggested that a stockbroker living in a suburban village who occasionally sold lettuces from his garden and tomatoes from his greenhouse might qualify as tenant of an agricultural holding, as might the tenant of a small house in the back street of an industrial town who kept rabbits in a couple of hutches.

The Scottish Land Court, whose judgment I am about to consider, approached the problem in rather a different way, for reasons which will presently appear.

The premises dealt with in *McGhie* v. *Lang* were a large house with garden, outhouses, etc., and three grass parks immediately adjoining and surrounding it. The three grass parks measured some 3½, 6½ and 9¼ acres respectively. The tenants, father and son, who had held over after the expiration of a three-year lease in 1949, lived in a small portion of the house (using the back door as entrance) and cropped the fields and kept a considerable stock of cattle and poultry. The landlords having given them less than a year's notice to quit, but one which assigned reasons as if the premises were an agricultural holding, they served a counter-notice; the landlords applied for consent to the County Agricultural Executive Committee, who refused it, and the landlords then appealed to the Land Court, where they pleaded (*a*) that the premises were not an agricultural holding within the meaning of the Agricultural Holdings (Scotland) Act, 1949, s. 1 (1) (which, except that it uses the expression "lease" where the English statute speaks of "contract of tenancy" is in the same terms as the latter); (*b*) alternatively, that consent was not required as far as the house and gardens were concerned, and that the Land Court should find and declare that the Act did not apply to that part of the premises.

Now the Land Court, while its functions in the matter of appellate jurisdiction in these cases correspond, as will have been gathered, to those of our Agricultural Land Tribunals, happens to have a longer history than the latter. It was established by the Small Landholders (Scotland) Act, 1911, a measure which has no counterpart in England, and under that Act it frequently had to consider cases of mixed properties, e.g., a mill and a smithy. As things developed it began by applying a "dominant purpose" test; but the decisions in which this was done were overruled by that in *McNeill* v. *Duke of Hamilton's Trustees* [1918] S.C. 221, which adopted what was called the "principle of excision." According to this, where any dwelling-house or other buildings form an integral and material part of the demised premises, but are not used or useful in connection with the agricultural occupation of the land, the dwelling-house or other buildings are to be "excised" from the premises. Accepting this principle as applicable under the Agricultural Holdings Act, the Land Court "excised" the upper storey of the house and one room on the ground floor as not being required by the tenants as part of the farmhouse; also the garden ground, a glasshouse, and a garage. The rest was an agricultural holding, and as less than twelve months' notice had been given there was no occasion to go into the question of consent.

In its judgment, the Land Court said that the *McNeill's* case decision was of the highest importance to the court in question. "It illustrates the wisdom contained in the rule that the interpretation of Acts of Parliament . . . should be *ut res magis valeat quam pereat* . . . so as to make the writing effective rather than let it be of no effect at all."

The court had been referred to the two English decisions of the Court of Appeal which I have mentioned (counsel intimating that they found them hard to understand and in particular hard to reconcile; might one suggest that the second difficulty flowed from the first?); in neither case, said Lord Gibson, was *McNeill* v. *Duke of Hamilton's Trustees* mentioned, and "It may be that the English courts may reconsider the matter in the light of *McNeill's* case."

It may. But it must be remembered that that case arose under the Small Landholders (Scotland) Act, 1911, not under any Agricultural Holdings Act; that the Scottish Land Court has not only a history, but has important functions other than those of, and, perhaps, a higher status than, an Agricultural Land Tribunal (these bodies were established and their procedure prescribed by the Agriculture Act, 1947, ss. 73 and 74, and Sched. IX, and there is nothing corresponding to, say, the Small Landholders (Scotland) Act, 1911, s. 25 (2), giving full powers to determine all matters, "whether of law or fact," the orders and determinations not to be reviewed except on case stated); that the absence of machinery for apportionment was considered a formidable obstacle to severance in the English cases (in *McGhie* v. *Lang* the Land Court pointed out that s. 73 of the Agricultural Holdings (Scotland) Act, 1949, applied the Land Court provisions of the Small Landholders Acts for the purpose of determining any matter which they were required to determine; this solved the difficulty, once, of course, the need for excision was recognised); and that the temporary creation of a status of "non-statutory" land by the Agricultural Holdings Act, 1923, s. 33 (in order to dispose of *Re Lancaster and Macnamara* [1918] 2 K.B. 472), the distinction being no longer necessary when the new definition of "agricultural holding" was introduced, rather militates against the view, fundamentally part of the reasoning in *McGhie* v. *Lang*, that we are dealing with a *casus improvisus*.

R. B.

HERE AND THERE

FITTING IN CHANCERY LANE

LAST week Richard Roe was privileged to attend the first wig-fitting of a very attractive young lady just called to the Bar. Once upon a time not so very long past there were three little shops in the Temple where barristers could be ceremonially equipped; one in the Cloisters where the passage led round to vanished Fig Tree Court, another at the top of Essex Court, and the tiniest of all on the right-hand side of Middle Temple Lane going down. One has vanished and the others survive, converted to duller uses; so the threads of all the forensic and judicial horsehair in the world are now held firmly in the hands of one single establishment in Chancery Lane. The fitting takes place in a small, square, sky-lit room at the back of the shop. All the wall space not occupied by mirrors is filled, every inch of it, with engravings of grave bewigged heads—heads judicial, heads episcopal, Speakers' heads, counsel's heads, back to the days when the ordinary tie-wig of the Bar came down far enough at the sides to cover the ears. (The last great advance in style was just fifty years ago when they found a way of fixing the little rolled curls so that they should not come loose in untidy grey wisps.) In a corner I was happy to remake acquaintance with Lord Eldon's petrified wig which long ago used to arouse my childish wonder in the window of the wig-shop in Essex Court. His lordship had deposited it experimentally in one of those springs in the limestone country that turn to stone anything left long enough in their waters.

SELF-DENYING RESIGNATION

THE lady was in some considerable difficulty over that fantastic confection of horsehair millinery without which she can never professionally approach the Bar to which she has been called, for her hair is long and lustrous with no hint of recession from forehead or temples; yet the decree of the judges standing since 28th March, 1922, expressly requires that women "are to wear barristers' wigs which shall completely cover and conceal the hair." This has obviously imposed a fresh strain on the art and ingenuity of the wig-maker, who must somehow manage to comply with the direction without narrowing the brow or tilting the whole

structure forward on to the nose, while at the same time providing ample packing-in room at the back. It would be hard to justify in terms of pure reason this forcing on to feminine heads of something which is only a frozen masculine fashion, but at least it is no more illogical than half the practice of female education in treating little girls just as if they were little boys, so that from the start the wildest claims for emancipation go hand in hand with the tamest and most slavish imitation of the ways of men. There is a reckless quixotry about the man who throws away his best weapon in order that he may meet his antagonist on equal terms and one would like to think that it is in mercy to the male that, say in this matter of the wig, woman unmurmuringly unqueens herself of her crowning glory, nullifying at a stroke the immemorial art of a hundred thousand hairdressers. Beauty draws us with a single hair, but not a horsehair. Advocacy, after all, is only the art of persuasion, of swaying the jury in the box or the common juror who lurks beneath the ermine of every judge on the Bench, and if women could play the game of persuasion uninhibitedly according to their own rules and unhampered, the courts would scarcely know themselves. But, say they did cast off the horsehair, is there something better instead? Darling, J. (who, by the way, was in the habit of powdering his own wig), suggested to his brethren at the fateful meeting of the judges the alternative of the biretta, which would have turned the ladies into continental clerics instead of Georgian gentlemen. Horridge, J., supported him, but the suggestion was rejected by nine votes to their two. MacKinnon, L.J., discussing the matter in after years, said that, had he been present, he would have made a third for the biretta, "though not with enthusiasm." I suppose the idea was vaguely connected with Portia, but no journalists and few of any other calling seem to have noticed that Portia didn't come to court as counsel at all but as a judicial assessor to assist the lay magistrates of Venice.

EVE AND MISS BUZFUZ

WHAT is called the emancipation of women has been incalculably weakened by ignoring or trying to ignore the facts of life at their simplest and most obvious, by trying to isolate their new professional status in a vacuum, divorcing it from their own essential, individual human nature. If and in so far as Miss Buzfuz finds herself in conflict with the ancient Eve then, in the long run, so much the worse for Miss Buzfuz. My mother bids me bind my hair, but the Lord Chief Justice bids me cover it up with horsehair. My mother treats me as a daughter but the Lord Chief Justice treats me as a male impersonator, and such impersonations best succeed and are most enthusiastically appreciated precisely in the degree that they fall short of verisimilitude. When women first came to the Bar and for quite a long time afterwards they were expected to perpetrate the masculine anachronism of wedding seventeenth century bands to a Victorian "stand-up collar," and for those of them whose sense of history doesn't revolt against the combination there is still available on the market a device of collar and "curtain" (as the trade term goes) deriving from the masculine "dickey." Now most of the ladies wear their bands with a "Peter Pan" collar blouse, and the arguments issuing from their throats sound all the sweeter. As we left the robing emporium, the young lady's mamma halted at a hanger suspending a handsome set of black and gold Court of Appeal robes and, with a prudent and intelligent foresight, inquired the price. Buy early and avoid price increases.

RICHARD ROE.

THE LAW SOCIETY: ANNUAL GENERAL MEETING

THE Annual General Meeting of The Law Society was held in the Society's Hall on Friday, 4th July, 1952, the Chairman being the retiring President, Mr. GEOFFREY ABDY COLLINS, B.A., LL.B.

Before commencing upon the ordinary business of the meeting, the CHAIRMAN intimated that he had to carry out one of his last duties as President in connection with the Solicitors' War Memorial which was consecrated by the Archbishop of Canterbury on the 8th July, 1949. A Book of Memory recording the names of 608 solicitors and articled clerks who lost their lives in the 1939–45 war had not then been compiled but was now completed and had just been placed in a case at the foot of the statue in the Hall. He had been asked by the Council to open it and turn over the first page of the book. Each day a page would be turned, so as to keep in memory those whom they revered and whose names were recorded. A four-page folder containing an extract from the book was being sent to the next-of-kin of those whose names appeared. The case would be left open for inspection that afternoon but would thereafter normally be kept locked, though the porter at the Chancery Lane entrance would always have a key available for friends and relatives who might like to inspect the book. The President, accompanied by the Secretary, Mr. T. G. Lund, C.B.E., then formally opened the case and turned the first page of the book.

Proceeding with the business of the meeting, the Chairman stated that the notice convening it was usually taken as read—and upon being put to the meeting this procedure was agreed.

He then announced that the minutes of the meeting held on the 6th July, 1951, had been circulated to members in the *Gazette*. These also were agreed to be taken as read and authorised to be signed as correct.

The next item on the agenda was the election of the President and Vice-President. Mr. Collins said that Mr. DINGWALL LATHAM BATESON, C.B.E., M.C., and Mr. WILLIAM CHARLES CROCKER, M.C., had been duly proposed for those respective offices; and, there being no other candidates, he declared them duly elected.

Mr. BATESON, the newly elected President, said that he stood there with considerable pride and pleasure, particularly as he saw before him so many of his friends. The ordinary custom on these occasions was to say only two things: first of all, "Thank you"; and secondly, "I promise to do my best." Those were very proper sentiments, to which he most willingly and heartily subscribed.

The past fifteen years or so had been years when great reforms had been carried out by the profession through the Council. The next few years would be largely devoted, he thought, to more domestic matters to which he hoped he would be able to make some contribution—things like professional remuneration, retirement benefits, and the like. He would be fortified in that work by two or three most important things: first, he would have Mr. Crocker as his Vice-President—and he could assure them that no President could want a better second-in-command or one more likely to, add the appropriate "ginger" to the proceedings; secondly, he would, of course, have Mr. Lund and his staff (their praises had been sung many times in that room but it was a song which was worth repeating because the praise was so very well merited); and, finally, he would have before him the example of his predecessors in office, not the least illustrious and successful of whom was Mr. Geoffrey Collins himself. He could assure them that, thus fortified, he would do his best, and all that remained for him to do now was to thank them again for his election to this high office.

Mr. CROCKER said he was very proud that he was elected to the position of Vice-President. He was very grateful indeed to Mr. Bateson for speaking so delicately of the support which he (Mr. Crocker) hoped he could give him—and which he had just referred to as "weighty" support! There was nothing that a Vice-President could say except that he would do his very best to support the President and give the best service he possibly could to solicitors in general. He thanked them very much indeed.

The CHAIRMAN, in dealing with the next item on the agenda, viz., vacancies on the Council, said that he had to report the receipt of a letter from Mr. William Henry Bentley asking leave to withdraw his nomination. This was put to the meeting and agreed.

As the other qualified members nominated were not more in number than the eleven vacancies to be filled, the following candidates were declared to be duly elected:—

Mr. Dingwall Latham Bateson, C.B.E., M.C.; Sir (William) Bernard Blatch, M.B.E., B.A.; Mr. Geoffrey Abdy Collins, B.A., LL.B.; Mr. Charles Leonard Fawcett, B.A.; Mr. Godfrey

William Rowland Morley, O.B.E., T.D., M.A.; Mr. Leslie Ernest Peppiatt, M.C.; Mr. George Francis Pitt-Lewis, M.C., B.A.; Mr. Charles Hilary Scott ; Mr. Noel Benjamin Sherwell, O.B.E., B.A.; Mr. Brian Edgell Toland, B.A.; Mr Ian David Yeaman.

Following thereon, Sir Richard Ernest Yeabsley, C.B.E., F.C.A., F.S.A.A., Mr. Samuel Russell Hill, and Mr. Robert McMinn Borm-Reid, B.A., having been duly nominated as auditors, and there being no other candidates, were declared duly elected.

The CHAIRMAN then formally moved the adoption of the Accounts printed in the Annual Report, which had already been circulated, and asked Mr. Henry B. Lawson, Chairman of the Finance Committee, to second the motion and to answer any questions on the Accounts. Mr. LAWSON seconded the motion, and the formal adoption of the Accounts was agreed.

SOLICITORS' REMUNERATION

Mr. COLLINS moved the adoption of the Annual Report ; asked that his Address, as circulated, should be taken as read ; and this was agreed. [The Address is reproduced at p. 444.]

He said that there were just two matters before the Report was open for general discussion. The first was that they had that day passed the 16,000 membership mark, which he thought was a very great step forward from what it used to be only a few years ago. The other matter was one upon which he supposed that some questions might be asked and so he might as well forestall them, with regard to the knotty problem of solicitors' remuneration for non-contentious business, which was referred to in his printed Address. Under that heading, at the end of the paragraph, he mentioned that a further meeting of the Statutory Committee was due to take place between the dates of the circulation of that Address and of this meeting. There had now been a further meeting, but he was sorry that he could not say very much about it. He had hoped that he might have been able to say a little more, but he had been authorised by the Lord Chancellor just to tell them that there had been a further meeting of the Statutory Committee. He thought he could add that some real progress had at long last been made. As, however, the whole matter was *sub judice*, he could not forecast what the Statutory Committee's final decision might be ; and, in any case, Parliament had the last word.

The Council had offered to supply the Lord Chancellor with an analysis of figures obtained from a substantial number of firms, which in his (the Chairman's) view would prove very helpful in any discussion which the Lord Chancellor might have to have with the Chancellor of the Exchequer.

The Lord Chancellor would not allow him (the Chairman) to go further than that ; and now Mr. Bateson would have to take his place and carry on from where he had left off. He could only say that, personally, he was hopeful ; but could not say more than that.

The CHAIRMAN having indicated that the Report was now open to discussion :

Mr. F. D. WALKER (Preston) said he would like to refer to the question of costs in contentious matters, which he gathered from the memorandum submitted to the Lord Chancellor was receiving the very active consideration of the Council. He felt bound to say that it appeared to him that the reply of the Lord Chancellor to that memorandum, as recorded in the President's Address, appeared to be, to say the least, unacceptable. It was quite unnecessary to seek to establish to that assembly any case for an increase in costs in contentious matters, because such a case was already contained in the memorandum. While it appeared that the Council had seen fit to recommend, on the one hand, that there was a case for an increase in the percentage of scales of costs under Appendix " A ", they had also recommended simultaneously that the whole system of costs in litigious matters, particularly in the High Court, called for radical review. With that view he was in agreement, but he suggested that it was to be anticipated that the Lord Chancellor would reply that that was a matter which fell within the terms of reference of the Evershed Committee and could be dealt with only when their investigations were complete.

He had to suggest that, while that was no doubt true, and while there was, he thought, certainly an obvious case for revision of the whole system in regard to High Court costs, far the most urgent matter was that those costs should forthwith be increased.

It seemed to him that they had lost a great deal of time already since it became apparent that a general increase in the percentage applicable upon the High Court scales was justified He ventured to suggest that it was of urgent necessity that the Lord Chancellor be impressed with that view, because it was already extremely difficult, and fast becoming impossible, to tempt anyone into the ranks of the profession as an unadmitted clerk in contentious work, and certainly on payment which the profession could on its own rewards at present allow.

He also suggested that, while it might be true that it was possible for those members who carried on an extensive mixed practice to make a reasonably satisfactory income, the young solicitor who commenced practice on his own account—and he hoped there were many such now and to come—must of necessity depend largely upon work of a contentious character to commence with. There were few solicitors beginning practice in the provinces—and it might be in London—on their own account who could look forward to any amount of work of the conveyancing type at the beginning. It seemed apparent, with the information before them, as stated in the memorandum of the Society, and as known, he thought, to all those practising in extensive litigation, that it was no longer possible, with litigation alone, to carry on a practice remuneratively at all. If that was so, he suggested that the profession was laying itself open to a very dangerous situation indeed : a lack of recruitment in the unadmitted sphere and a lack of proper recruitment of men of the right type into the profession to carry on its traditions and its practice as they should be carried on.

He therefore asked that the Council should represent to the Lord Chancellor, in whatever manner might be possible, how urgently necessary it was that an increase in the scales should become applicable. Other organizations did not hesitate to take such action as they deemed necessary, and it ought not to be a difficult matter for the Council to bring arguments to bear to impress the Lord Chancellor with the necessity, reasonableness and justice of their case.

Mr. H. J. KILLICK said that he was the London agent of the last speaker and had some items to add upon the London aspect. He had had the curiosity to gather up some figures, and he found that since 1936 his salary bill had been multiplied by two-and-a-half ; his office expenses bill by two ; and his profits had gone up by only one-half, and even of those profits quite a proportion came from work outside the law altogether, viz., director's fees. Cutting out the latter, which some firms enjoyed and others did not, that meant that there was almost no increase at all over pre-war profits ; and, taking overheads into account, in a London practice one was worse off than before the war.

Dealing with Mr. Walker's point about staff, he could speak from personal experience, for he had been training for some three-and-a-half years an assistant costs clerk now aged about twenty-seven who had just notified him that, because he could not get the wage he thought he was worth, he was going out of the law—to which there was no answer, for he was absolutely right. The result was that he had wasted three-and-a-half years and would now have to start all over again, if he could get someone.

A point not mentioned by the last speaker was the difficulties of legal aid. He felt and he knew many of his colleagues would agree with him that the profession must take a stronger line, which they could do, within the limits of the present scheme. He was thinking particularly of the heavy strain on one's staff in legal aid work. All the time they were looking over their shoulders back to the wretched certificate to see if what they wanted to do was authorised or not. There was a case a few days ago in the Divisional Court where the President made some critical observations about a legal aid case not being ready because the brief had not been delivered ; and the President said that solicitors appeared to be favouring the rich as against the poor. The reason why the brief in that case was not delivered was because a legal aid certificate was on its way, and one did not dare deliver the brief until the certificate had arrived because, for all one knew, it might be limited to giving notice of appeal only. That showed the kind of extra demands with which the profession was faced owing to legal aid work.

There were several suggestions he would like to make, none of which, so far as he could see, involved legislation at all.

First, a letter to *The Times* might give proper publicity emphasising the fact that all legal aid work—and he thought many practitioners would agree with him—was done at less than cost. He was referring not only to the 15 per cent. but to the solicitor and own client items which one had to do and did not get paid for, and to the fact that the taxing masters applied a different standard in taxing legal aid bills from that which they applied in taxing unassisted litigation. He thought that efforts should be made to secure that taxing masters gave the same

treatment to all bills, without regard to the Treasury. In regard to all costs, he felt that taxing masters were not taking into consideration all discretionary items. A thirty-guinea bill ought now to be fifty guineas, but he did not think it was, and apparently particularly the older taxing masters were getting out of date in their ideas. He would like to see the introduction of appeal on quantum only against a taxing master's taxation, which he thought an important point, as he gathered one could only appeal on principle and not quantum, however unjust that might be.

Next, he would like to see the Council wake up the Court of Protection. The time taken there, for what was really almost charitable work, to get one's bill passed was quite outrageous.

Finally, and this was possibly a matter for laughter, in view of the fact that the Council had supported the case of *Bentleys, Stokes and Lowless*, he would like to see the Council support a case in respect of loss incurred in connection with legal aid.

Mr. C. RUBENS (London) said that he did not rise to criticise the work of the Council in the past year and he hoped he would be forgiven if he again referred, as in previous years, to the subject of remuneration. Looking through the Report, everyone must feel that the Council had approached this subject broadly on the right lines and should be very appreciative of all they had done in a task which was a very difficult and complex one. The trouble was that one was bandied about from one Committee to another; there was no single authority that one could deal with. One was referred back to the Rules Committee; one was told that even if the Statutory Committee itself approved something it still had to go before Parliament. He thought that was how they all felt, and the last two speakers had referred to it: this had taken a very long time indeed now. It appeared from the President's report that the matter was placed before Lord Jowitt in 1948. It took the best part of four years to get anything out of the then Lord Chancellor. There had since been a change of Government; and it had taken months since the new Government was in power before anything much had materialised. He did not wish to go into detailed criticism of that.

He thought what the last speaker had said had a great deal of weight in it. Really they had to tackle the thing on broad general lines and those were the lines on which the Council had dealt with it. The question was mainly one of time: time was very precious. This subject had been before the Lord Chancellor for many years. There was no guarantee that anything would be done even now, whatever representations the Council made; and nothing would be done unless a much more emphatic approach was made than had been made in the past. He did not doubt that the Council had emphasised their recommendations very strongly. Might it not be necessary to back those recommendations up with some sort of sanction? He knew that the Council must be well aware that it was possible to bring some sort of sanction to bear, because, after all, they were not entirely limited to statute. It was always possible to make special contracts.

In order to mark the sense of urgency in this matter, and in order that it might not be left until the next Annual General Meeting in a year's time, he therefore wished to move or suggest a recommendation to the effect that a further meeting be held in October at which progress in this matter might be reported. This should prove useful and could not be regarded by the Council as any criticism of them but rather as a recognition of their efforts, because it would show the outside world how very strongly they all felt about it.

He therefore moved, as an amendment to the motion before this meeting, the following resolution:

> "That this meeting, whilst appreciating the efforts of the Council to secure amendments of the present system of remuneration, desires to place on record its grave concern at the delay on the part of the Lord Chancellor and the Statutory Committee in carrying out the recommendations of the Council and requests the Council to convene a Special General Meeting in October to report further progress of the negotiations."

Mr. CLAUDE HORNBY (London) said that upon this question, in the main, he entirely supported Mr. Rubens in the motion he had put before the meeting. He was wondering whether he was going to reach his three score years and ten before anything whatever happened to alter the charges which had always been in operation so long as he could remember. Would some of them live to see the day when ultimately an increase was granted, when it took four years to even get anywhere with the Lord Chancellor and when for many years previously to 1948 the Council had been dealing with the question of charges and nothing at all had happened?

He did not wish to steal the very excellent verbiage of the gentleman who spoke first, but he could not see the miners or the railwaymen "messing about" for four years while their claims were being considered without doing something exceedingly drastic. He knew it would be said that they were far too gentlemanly to down pens and throw their files into the wastepaper basket and do nothing more, but surely there was some method by which pressure could be brought to bear, for example, with regard to the Legal Aid and Advice Act.

He would like, if he might, to pay tribute to Sir Sydney Littlewood, who he felt sure was very largely responsible for the fact that a declaration as to means had now been enforced by an order under the Poor Prisoners' Defence Act and he gathered that there was a strong probability, under s. 21 of the Legal Aid Act, that fair and reasonable charges were also on the way, instead of the present miserable pittance. He suggested, if that did not come into operation very quickly, that the Government should be told that the profession would not continue to work any part of the Legal Aid Scheme unless their charges were increased. In his opinion even if they got fair and reasonable charges they would not be on an adequate scale.

He entirely supported Mr. Rubens in his motion, and would ask that the consideration of charges be reported on by the Council, indicating what progress they had made, to a special meeting in October. He could see the Secretary looking anxious. It would give him a little extra work, but he was so fond of work that he would not really mind. He was quite sure that members generally would support all that he had said.

[After the Secretary had conferred with the members who had spoken]

The CHAIRMAN intimated that he understood that Mr. Rubens was willing to accept the proposal "That the Annual Report be adopted subject to a further meeting being called in October to state what progress had been made in connection with solicitors' remuneration in contentious and non-contentious matters" and inquired whether that would be acceptable.

Mr. BATESON intervened and suggested that November would be a more suitable and reasonable month than October.

Mr. RUBENS replied: "I think you can have a month's probation, sir"; but, when the President further suggested "Or, shall we say, 'before the end of the year'?", Mr. Rubens retorted "Oh no, sir; no."

[Eventually, after the Secretary had further conferred with the members who had previously spoken, and the Chairman had also endorsed the proposed alteration to the month of November, the following motion was agreed upon, viz.:—

> "Subject to the Council convening a Special General Meeting in November to report the further progress of the negotiations with regard to the remuneration of solicitors in contentious and non-contentious business, this meeting, whilst appreciating the efforts of the Council to secure amendment of the present system of remuneration, records its grave concern at the delay on the part of the Lord Chancellor and the Statutory Committee in carrying out the recommendations of the Council."]

Mr. E. J. GIBBONS said that he would like to support Mr. Rubens's amendment and was glad that non-contentious business was also now included. He was particularly concerned with the lower scales of conveyancing. Much had been said in past years of the maximum scale not now being suitable, but it was always open to solicitors to enter into special contracts. There was, however, a very large number of transactions—very much larger than people realised—involving comparatively small amounts. In spite of the increase of the cost of houses there was a large number of sales to sitting tenants and other small houseowners at comparatively small prices. He had made a calculation in his own office—a very careful calculation in conjunction with his accountants—and he was satisfied that it was quite impossible, if the work was properly and correctly done, to make a profit in acting in the purchase unless the scale fee amounted to a minimum of thirty guineas. That ought to be borne in mind by the Council in connection with this amendment.

He was also a little concerned that the amended date had been put forward to November. It had come to his notice, as it must have to that of many members, that laymen were laughing at them. There had been much publicity about their four years' struggle to obtain an increase in remuneration, and he had heard it said over and over again that solicitors could not even look after their own affairs.

ROYAL COMMISSION ON MARRIAGE AND DIVORCE

Turning to another aspect in the Report, he wished to refer to the Council's recommendation to the Royal Commission on Marriage and Divorce, particularly in view of one or two of the remarks appearing in the retiring President's Address. He felt that members of the Supreme Court should be called upon to set a standard of example in a matter like this. The leaders of the Christian churches in this country had given a lead, and he thought that as officers of the court of a Christian country the majority of solicitors accepted that marriage was something which should not be broken down, but that everything should be put in the way before the marriage bond was dissolved. In one or two of the recommendations he noticed there was a tendency in total to loosen the bond. He did not think that the ordinary family solicitor of this country would lend himself to a report which tended to loosen the marriage bonds. The present low state of morality among the younger people of this country was largely due to the breaking up of the marriage bond. How could a family keep together if the father and mother had parted? Everything should be done to bring them together. The suggestion that there was no need for further reconciliation machinery threw a greater onus on the ordinary family solicitor, and he would like to urge the view that solicitors as a whole should do everything in their power, in view of the recommendations, to attempt reconciliation before any recourse was had to legal proceedings.

There was another note in the address concerning the Bill which Mrs. Eirene White introduced in the House. There the retiring President mentioned that the Council had thought fit to express no views; but, again, he thought that, as officers of the court of a Christian country like this, a lead was expected from them, not only a moral lead but a lead in opposing legislation tending to make easier the breakdown of marriage. He was somewhat encouraged to make these remarks by reason of the fact that the members of the general body of the British Medical Association had reversed the evidence proposed to be put forward on the recommendations of their own Council; and this was encouraging as representing, he thought, the general view that everything possible should be done to uphold the marriage bond.

Mr. BATESON, replying as Chairman of the Committee, said that he thought that what the medical profession had done was really justification for what was in the President's Address. This was a very controversial subject, and there was no mandate from the profession to express one view or the other. He did not think it was true to say that this profession would all speak with the same views, and he had no doubt that when they went before the Royal Commission they would all express their own individual views and not say what they thought the whole of the profession would think on such a subject. He doubted very much whether, even if they asked for a mandate from the profession, they would get anything like a universal vote. It was for that reason that they had rather confined themselves in the evidence to matters of procedure and the like which they thought wanted tidying up, and which were, he respectfully suggested, much more relevant to their profession than matters of policy.

Mr. J. F. WALLACE (London) said that he was extremely glad to hear what Mr. Gibbons had said on this subject because he felt that with a profession such as theirs people were waiting for a Christian lead from them, as representing laymen. They should take the bigger view which was expected of them. It was not just a commission on divorce—but on marriage and divorce. He rejoiced in the decision of the British Medical Association, and, if in order, he would like an amendment to adopt the Council's report except their memoranda to the Royal Commission on Marriage and Divorce, which should be referred back to the Committee to receive further memoranda and to amend the report if it saw fit.

Mr. F. C. B. COVELL said that he had a certain amount of experience in these matters, firstly, as acting as Secretary of a Poor Prisoners' Committee, and then as one on a Legal Aid Committee. He did not agree with previous speakers' views that this report was materialistic; in his opinion it was not materialistic but practical. Anyone who had to read through the application forms for divorce which came in could not fail to be impressed by the pitiful state which was revealed of some marriages; and, whatever might be anybody's religious views, he thought they must feel that anything which could be done to dissolve those unhappy unions was the right thing, and was one which ought not lightly to be cast aside on what he would call theoretical lines as opposed to practical ones. This profession should put forward purely practical views and leave others to deal with the theoretical ones according to their own professions.

[The amendment to the Report motion previously recorded was put and carried.]

EXPENSES OF COUNCIL MEMBERS

Mr. E. A. WILLIAMS (Hertford) moved a motion printed as the final item on the agenda, viz.:—

> "That reasonable out-of-pocket expenses may be repaid out of the funds of the Society to Members of the Council who have incurred such expenses in connection with their duties as Council Members or any business of the Society, the Council, or its Committees, including attendance at the Society's Annual Conference."

He said that in framing his resolution he hesitated between two different forms: one, to put a very general suggestion that the principle of defraying the out-of-pocket expenses of members should be recognised and that the practicability and method of carrying it out should be explored; the alternative, which he adopted, was to put down a forthright resolution that the thing should be done and set out in direct terms. He had two reasons for doing it that way: first, if the majority present were in favour of his motion, then by having proposed it in direct terms it could quite shortly be put into operation. Secondly, the direct terms would immediately arouse any criticism and opposition there might be; and, while the principle of the motion was something in which he implicity believed, he would have no objection to and would, in fact, welcome any amendment designed to make it more practical or simple. The motive behind the motion was quite simply the recognition of the principle that where private individuals served public or local authorities their out-of-pocket expenses should be met. He felt it was even more incumbent upon their profession, who had the advantage of being served by leading solicitors free of charge to look after matters of policy and administration of their profession, to see that their out-of-pocket expenses were duly met. He did not mind accepting the services, free of charge, of the most eminent solicitors in England if they were prepared to give those services, but he did mind their paying their out-of-pocket expenses as well as giving their services. That was what was in his mind when putting forward this resolution as it stood. He had not discussed the matter with any single member of the Council and did not know whether they would welcome it or not, but he thought that reasonableness had got to be brought into the operation of the system; and, if the resolution was accepted, he would rely upon the Council to put it into a sensible and workable structure.

Mr. E. E. MORGAN (Shrewsbury) said he would like to pay a tribute—and this was part of his argument—to present and past members of the Council for all the work they had done for the profession. They all knew very well what a considerable amount of time both town and country members spent in travelling and on Committees and for other business on their behalf and for their benefit. It was, in his submission, only common justice that their expenses should be paid. When it was considered that in order to pay such expenses a member had to earn, if he paid surtax, considerably more than half the amount before he found the money to pay them, in addition to which he gave up considerable time from his office when otherwise he might be earning, he could not possibly see any feasible objection to this resolution being passed. If he might make a little light diversion, there were a number of gentlemen not very far from here who were paid a thousand a year for talking a great deal, many of them doing considerably less than members of the Council. Was not it therefore fair for members of their Council to be paid their proper expenses?

Mr. A. G. DENNIS (London) wondered whether this resolution could not include, besides members, those other non-members of the Council who also served on Committees. Could not they also be paid their attendance expenses and placed in the same position? If in order, he would like to propose an amendment to that effect: to include any member of a Committee, whether a member of the Council or not.

Mr. G. W. FISHER referred to page 52 of the Annual Report, containing the Income and Expenditure Account of the Society. As regarded the item of £2,317 10s. 6d. for "Council Members' Travelling Expenses" he thought that both he and others would like to be informed what further expenditure it was proposed that this resolution should reimburse those members of the Council; because, so far as he could see, the travelling and other expenses of the Council members had been covered from

those accounts. Were they now asked merely to sanction the refund of the expenditure on attending the Annual General Meeting? Was that the only additional item, or did this resolution propose anything further than had already been reimbursed according to The Law Society's own accountants?

The CHAIRMAN replied that he thought the present position was that they were refunding the expenses of attending Council and Committee meetings, but there was a good deal of other business which Council members were often engaged upon, such as giving evidence before the Departmental Committees. It was in fact the carrying in of expenses already authorised to be paid, expenses of attending Council and Committee meetings. There was quite a lot of business besides their Committees and other meetings, and this would cover any such business.

Mr. FISHER asked if this covered hotel and other expenses as well.

The SECRETARY replied that the President had said that under the existing arrangement expenses of provincial Council members travelling to and from London for a meeting or a Committee of the Council were covered; but there were no expenses paid for attending, for example, a Discipline Committee, which was not a Committee of the Council; evidence before Royal Commissions; coming to London for the joint Committee with the Bar; and, he apprehended, with regard to the expenses of attending Conference, that it would be reasonable to pay the hotel bill of people required to be present in order to take the chair at a meeting; and at a provincial meeting. He would imagine that the operative word here was "reasonable"—the member's reasonable expenses of going where he had to be.

Mr. MALCOLM SLOWE (London) said that he would like to support the motion. He was sure that the operation and administration of it by the Society would be reasonable, fit and proper.

Mr. BASIL GREENBY (London) said that he did not feel they should pay the normal expenses of attending Conference such as every member who attended had to pay; and he moved an amendment to add at the end of the motion the words "other than the normal expenses of members attending at Conferences."

Mr. FISHER asked if it was correct that the proposal that expenses of members of the Council should be refunded for attending these annual Conferences was directed at refunding the expenses incurred by members of the Council who were members of different sub-Committees and who had to preside and give answers in certain discussions which took place. In his view the whole should be reclaimed if their attendance was essential for the purposes of the Conference—that was not a case of a part but the whole. The limitation that he would suggest was that every member of the Council should not be entitled, whether or not he happened to be a member of any particular relevant Committee, to have the whole of his expenses regarded as reasonable for attending this Conference.

SIR WILLIAM GIBSON suggested that the words "or any business of the Society" in the motion covered the Annual Conference and that the subsequent reference to "including attendance at the Society's Annual Conference" might just as well, or in fact better, be omitted.

Mr. SLOWE thought it was already covered by the words "expenses in connection with their duties."

Mr. BATESON said he would like to add another word, although it was rather invidious for a member of the Council to have to speak at all, but, he felt, it would not work to pay one member of the Council his out-of-pocket expenses and not another. How would the profession as a whole like it if only the Chairmen of Committees attended from the Council and no other members of the Council attended at all? Either the profession wanted out-of-pocket expenses to be paid or they did not. He did not think members of the Council minded one way or the other. The resolution came from the other side of the table, but they could not differentiate and say whether they were required to be present or not. Every member of the Council was on a number of the Committees, and this required him to attend.

Mr. S. E. REDFERN said that as he understood the resolution it was originally proposed that no member of the Council should be out of pocket in performing any duties for the Society which were not already covered in some way, whether he attended that particular function in a private capacity or not. If he went, and he was a member of the Council, in his submission, his expenses should be properly covered. He suggested that they should not deal with this matter in the spirit of the County Court Registrar taxing a bill.

Mr. WILLIAMS, in finally replying to the points raised, said that his view was that as many as possible of the members of the Council should be at the Annual Conference, because it was there that the rank and file of the profession made their acquaintance, whether they were Chairmen of Committees or other members attending to support their Chairmen. While it was not always possible for them to attend it was desirable that as many as possible of the Council should be at these Conferences. Therefore, it was his wish and intention in framing the motion that all those members of the Council who did go to the Annual Conference should be included.

The CHAIRMAN then invited the proposers and seconders of the amendments to the motion to drop them and to allow the original resolution, as printed on the Agenda, to stand, and to this they agreed.

The business of the meeting was then declared to be closed.

THE PRESIDENT'S ADDRESS

LADIES AND GENTLEMEN,—In moving the adoption of the Annual Report of the Council which was circulated to members of the Society with the notice convening this meeting, I must first refer to the death of His Late Majesty King George VI. In common with the Empire and Commonwealth—indeed with the whole civilised world—the profession has had during the year to mourn the loss of a greatly loved Sovereign. I think that all of us felt a sense of personal bereavement on the death of His Late Majesty who was a steadfast example to us all of untiring devotion to duty. The Council, at their first meeting after the death of the King, resolved on behalf of the Society to forward to Her Majesty Queen Elizabeth II a humble address expressing to her not only our sympathy and sorrow, but also our loyal allegiance for the future. The Council also addressed a message of sympathy to Her Majesty Queen Elizabeth The Queen Mother, and, having received an invitation from the Earl Marshal at The Queen's command, I attended the funeral of His Late Majesty at the Royal Chapel of St. George, Windsor.

The Society has also to lament the passing of Mr. Fred Webster whose untimely death last August robbed the Council of the services of a man of outstanding ability who, as Chairman of the Parliamentary Committee and as a member of many other Committees of the Council, had a knack of penetrating to the root of every problem and bringing to bear upon it shrewd common-sense, wisdom and experience. Mr. Webster had been a member of the Council for sixteen years and we had all hoped that he would have been with us for many years yet to come as he was only fifty-seven when he died.

I must also record with sorrow the death in January of Lt.-Col. Maynard, who was President in the year 1940-41, and of Mr. Alexander Morrison, a member of the Council until 1951, who died in May of this year.

We also mourn the passing of Lord Greene who as Master of the Rolls was a steadfast friend and counseller to The Law Society. Sir William Gibson, who was President in 1938-1939, has paid tribute to him in the June issue of the *Gazette*.

On a happier note I am pleased to record that the New Year's Honours List contained the names of two members of the Council, Major Milner and Lt.-Col. Cullum Welch. Major Milner, who received a peerage, has assumed the title "Lord Milner of Leeds." Lt.-Col. Cullum Welch received the honour of Knighthood and I am sure that the Society will welcome these honours paid to members of our profession.

In accordance with custom I intend to refer in my address to a few of the more important matters with which the Annual Report deals after reminding you that even the Report itself does not attempt to cover the whole field of the Council's activities.

LEGAL AID AND ADVICE ACT, 1949

The year which ended on 31st March, 1952, cannot be taken as providing a safe guide for the future as regards finance, but it may, I think, fairly be regarded as indicating the probable number of High Court cases arising under Pt. I of the Act with which we may expect to have to deal in the coming years. As you will see, some 57,000 applications for legal aid were received during the year, including nearly 5,000 applications for emergency certificates, and during that period over 41,000 certificates were issued. Area and Local Committees throughout the country have worked very hard indeed and the results of the cases which have been reported to us show with what ability they have discharged the very onerous task that rests upon them. In undertaking the administration of this Scheme The Law Society accepted a very heavy responsibility. We on the Council were conscious that the success of the Scheme must depend upon the full co-operation of the profession, including the Bar. That co-operation we have

received in full measure and I take this opportunity of extending my thanks to all those who have played their part in this Scheme, whether as solicitors or barristers on panels or by service on the Local or Area Committees.

Legal Aid in Criminal Cases

Until lately there have been two serious defects in the granting of legal aid in criminal cases. In the first place it has all too often been granted with little or no inquiry into the defendant's means in cases where the defendant could well afford to pay a solicitor his proper charges; in the second place, as stated by the then Attorney-General when the Legal Aid and Advice Bill was at its Committee stage in the House of Commons, the present fees payable to solicitors and counsel under the Criminal Appeal Act, 1907, the Poor Prisoners' Defence Act, 1930, and the Summary Jurisdiction (Appeals) Act, 1933, "are completely inadequate and their continued existence has been a very grave criticism of the facilities which have so far been provided for legal assistance to poor persons."

The first defect has been remedied since the 1st April, 1952, by bringing into force s. 18 (3) of the Legal Aid and Advice Act which provides for applicants furnishing written statements regarding their means; the second defect would be cured by bringing s. 21 of the Act into force, that being the section which provides for fair remuneration to solicitors and barristers employed in such cases, on the basis of the work actually and reasonably done. We have recently submitted, in conjunction with the Bar Council, a memorandum to the Home Secretary urging that s. 21 should be brought into immediate operation and in doing so we have pointed out that the result of having first brought s. 18 (3) into force is that the number of certificates is likely to be much reduced, thus lessening the additional liability which would be imposed on local funds by the introduction of s. 21. As Parliament has already declared that the financial burden of these cases should not be borne by the legal profession there are good reasons why s. 21 should be brought into force even though those portions of the Act which deal with legal advice and with legal aid in the county court are still in abeyance. The Home Secretary has agreed to receive a deputation to discuss the position.

Royal Commissions and Departmental Committees

You will find set out in the Appendix to the Annual Report two memoranda which have been submitted by the Council to the Royal Commission on Taxation of Profits and Income which is now under the Chairmanship of Lord Radcliffe. My predecessor, Sir Leonard Holmes, referred in his address, delivered at the 1951 Annual General Meeting, to the first of these two memoranda, but it was submitted to the Royal Commission just too late to be included in the 1950–51 Annual Report. That memorandum was, as you will see, confined to the general, social and economic questions, whereas the second memorandum dealt with the particular matters upon which the Royal Commission had invited evidence.

You will also find in the Appendix to the Annual Report a copy of the memorandum submitted to the Royal Commission on Marriage and Divorce under the Chairmanship of Lord Morton. Oral evidence in support of the memorandum is due to be given on behalf of The Law Society on the 22nd July. Some of you may be surprised to find no mention in the memorandum of the Council's views on the proposal contained in Mrs. Eirene White's Bill that where the parties to a marriage have lived separately and apart for a period of years this in itself should constitute grounds for divorce if there is no reasonable prospect that cohabitation will be resumed. No doubt the witnesses appearing before the Royal Commission will be asked for their views on this matter as it was one of the main reasons why the Royal Commission was set up; the Council have refrained from dealing with it in the memorandum because they are conscious of the fact that it is a matter upon which there is an acute division of opinion in the profession just as there is in the case of the general public.

Departmental Committees to which the Council have tendered evidence during the year include the Committee on Supreme Court Practice and Procedure which has now been sitting for nearly five years, and the Lord Chancellor's Committee on Civil Liability for Damage done by Animals. The Lord Chief Justice is chairman of that Committee, which is applying particular attention to damage resulting from the escape of cattle, liability for injury to persons or things caused by animals, nuisance caused by animals and distress damage feasant. In general the Council do not advocate sweeping changes in the present law despite the criticisms, especially regarding absence of legal liability for damage caused by the escape of cattle on to the highway, which have been made both by the Court of Appeal and by text-book writers. We think that the criticisms which have been made of the present law do not give sufficient weight to conditions in rural areas and that to make farmers liable to erect and maintain cattle-proof fences along all the highways of the country would, under present economic conditions, be outside the realm of practical politics. The one radical change which the Council have suggested is that there should be an absolute liability for damage done by dogs, whether to persons or to property, and that the old principle that every dog has a free bite should go. The memoranda submitted to these Committees are printed in the Appendix to the Annual Report. Oral evidence has also been given to the Departmental Committee on Hours of Work in the Supreme Court Offices which I am pleased to record is under the chairmanship of a member of the Council, Sir Edwin Herbert.

The Society's Charters

A Supplemental Charter is in course of preparation to implement the recommendations of the Society's Constitution Committee. Nearly all that Committee's recommendations can be dealt with by the Supplemental Charter and by amendments to the bye-laws, but there is one matter which will involve legislation and may therefore have to wait until a later date—namely, the alteration of the provisions contained in s. 4 of the Solicitors Act, 1941, regarding the delegation of the Council's functions to Committees. At present the section provides that the Council may appoint to Committees to which they have delegated their functions persons who are not members of the Council, provided that at least two-thirds of the members of the Committee are members of the Council, and provided that a Committee discharging the functions vested in the Society as Registrar of Solicitors must consist wholly of members of the Council. The Constitution Committee recommended that non-Council membership of Committees should be raised to a maximum of 50 per cent. without impairing the power of such Committees to act in the name of the Council.

Building Fund

One of the suggestions made by the Society's Constitution Committee in their Final Report was that a building fund should be established to provide assistance in meeting the cost of rebuilding the Society's Hall, which will one day become inevitable. The Council have long been aware that sooner or later the premises on the present site will have to be rebuilt or possibly new premises erected on another site in the neighbourhood; thay have accordingly already formally established a fund for this purpose, as was stated in the *Gazette* for January last, and I am happy to be able to say that we have received our first donation. I hope that anyone who may contemplate benefiting the Society or the profession by will or donation will give consideration to the claims of this fund as a suitable object of benevolence.

Refresher Lectures and Talks

Last autumn, in accordance with the practice which has now become established, the Council arranged a series of lectures dealing with changes in the law during the preceding year. Transcripts of all these lectures were subsequently issued in pamphlet form. The Council believe that these lectures serve a useful purpose and the continued support for them justifies this view. We realise that, generally speaking, only those members who practise in London are able to attend the lectures, but this is unavoidable, and the pamphlets should, I think, minimise the disadvantage at which provincial solicitors are placed in this respect. During the spring there has also been another series of six lectures organised by the Council dealing with topics of general interest to the legal profession. We have had talks by Mr. Ronald Howe, the Assistant Commissioner of Police, by Sir Theobald Mathew, the Director of Public Prosecutions, by Sir William Fitzgerald, the Chairman of the Lands Tribunal, by Sir Howard Roberts, the Clerk of the London County Council, and by Mr. Lund, our Secretary. These talks on matters of general interest do not attract such large audiences as the refresher lectures—perhaps because members feel that they cannot conscientiously remove themselves from their work during office hours unless the element of instruction predominates. Transcripts of these addresses have also been published, and I think you will find that they make very good reading.

International Legal Conference

You will see from the Annual Report under the heading "Overseas Relations Commmittee" that the Council and the General Council of the Bar have accepted the Committee's recommendations upon the holding of certain International Legal Conferences in this country. Now that the date of the Coronation of Her Majesty Queen Elizabeth II has been announced, a formal invitation has been extended to the legal profession in France that there should be held an Anglo-French Legal Conference in London during the last week of July of next year. We have inquired informally of the national organisations of the legal professions in the principal countries of the Commonwealth and Empire whether they would be in favour of our proposal to hold a Conference of the Law Societies and Bar Associations of the Commonwealth and Empire here in England in 1955. If the response to this informal approach is favourable, as we think it will be, then we shall extend formal invitations to those concerned and we shall set up an Advisory Committee of Commonwealth representatives. In this connection I should like to refer to the visit paid by Sir Leonard Holmes to Australia and New Zealand and to the United States of America in the autumn of last year. An account of his travels appeared in the *Gazette*, and I am confident that the Society could have had no better ambassador. When Sir Leonard was in Australia, and later when he went to New Zealand, he formed the impression that there would be great support for an Empire Legal Conference, particularly if it were to be convened by the mother country. Sir Alan Gillett, when he was in South Africa a few years ago, arrived at the same conclusion.

We have also made an informal approach to the American Bar Association suggesting that they might like to hold their Annual Convention in this country in, say, 1957.

Law Society's Examinations

As has been announced in the *Gazette*, we have applied to the Minister of Education to amend the Preliminary Examination (Exemptions) Regulations. We have learnt that the Minister evidently has no objection to our proposals and I think that the amending regulations will be published very shortly. The principal object of the amendment is to provide that those who seek to gain exemption from the Society's Preliminary Examination by virtue of passing the examination for the General Certificate of Education may obtain the five requisite passes in the latter examination on two occasions instead of, as at present, being required to pass all five subjects at the same examination. This will enable the boy who fails, for example, in one of the obligatory subjects, but obtains the other passes necessary to gain exemption, to take the subject in which he has failed at a subsequent examination without being also required to sit again in all those subjects in which he has already passed. It is true that this will make the standard of the exempting examination somewhat lower than it is at present—and it will also be borne in mind that the candidate who takes the Preliminary Examination itself must pass six papers at the one examination—but the Council are satisfied that the present regulations, which were introduced when the new examination for the General Certificate was still very much an unknown quantity, have worked hardship in a number of cases.

Certificates of Admission

The Master of the Rolls has recently made an amendment to his Regulations, which came into effect on the 1st June, 1952, to provide that in future admission certificates must be on a form approved by the Society. The object of this amendment was to prevent the submission to the Master of the Rolls of undignified and ill-prepared scraps of paper designed as admission certificates which he not unnaturally felt some reluctance in signing on the admittedly infrequent occasions when he was presented with documents so prepared. The Society has already approved the form of admission certificate published by the principal law stationers.

Solicitors' Remuneration

(a) Non-contentious Business

You will naturally expect me to say something about solicitors' remuneration and in particular about the fate of our representations on solicitors' costs in non-contentious matters which Earl Jowitt, before he ceased to be Lord Chancellor, eventually agreed to refer to the full Statutory Committee set up under s. 56 of the Solicitors Act, 1932. You will see from the Annual Report that the Statutory Committee held its first meeting in February and that it is stated in the Report that as the matter is at present *sub judice* the Council are not in a position to forecast what the Statutory Committee is likely to recommend. All I can say is that we have managed to establish, though not without difficulty, that the Statutory Committee will consider on its merits each of the nine points included in the memorandum submitted to the Lord Chancellor in April, 1948, and will hear oral evidence from representatives of the Council in support of those points. As a London practitioner, I am all too conscious of the increased and ever-increasing overhead expenses of a London practice and of the difficulty of retaining efficient staffs at the salaries which we are able to pay them; I sincerely hope, therefore, that the Committee's deliberations will not be too protracted. A further meeting of the Statutory Committee is due to take place between the date of the circulation of this address and the holding of the Annual General Meeting so I may perhaps be able to add something in the light of that further meeting.

(b) Contentious Business

You will see set out in the Appendix to the Annual Report the Memorandum which the Council have submitted to the Lord Chancellor, as Chairman of the Supreme Court Rule Committee, recommending in the main the abandonment of Appendix N and the substitution of a new system designed to secure fair remuneration in contentious business, having regard to all the circumstances of the litigation, including the amount at stake and the responsibility involved. The Lord Chancellor has informed us that he does not consider that the Supreme Court Rule Committee should be asked to deal with this memorandum until the Committee on Supreme Court Practice and Procedure, under the Chairmanship of the Master of the Rolls, have reported to him the result of their deliberations. A copy of the memorandum was also sent to the Committee on Supreme Court Practice and Procedure and the Society's representatives have given oral evidence before that Committee in support of the representations contained in it.

Solicitors' Entertainment Expenses

Many of you will have noticed that in *Bentleys, Stokes and Lowless* v. *Beeson*, which was heard before Roxburgh, J. last July, the Court allowed the solicitors' appeal from the decision of the Special Commissioners of Income Tax who had disallowed their claim to deduct certain entertainment expenses in computing their tax liability. The Inland Revenue appealed from Roxburgh, J.'s decision, but that decision was upheld unanimously by the Court of Appeal in May. The expenses were incurred in entertaining clients to luncheon and dinner over which business was conducted and advice given, a charge being made for the professional advice concerned. The appeal had the support of the Council, on whose behalf evidence had been given before the Special Commissioners of Income Tax to the effect that the entertainment of existing clients, whether with a view to retaining them as clients or obtaining new business, was not unprofessional and that it was not uncommon for a solicitor to entertain a client at luncheon and discuss business with him as many solicitors were pressed for time. The Board of Inland Revenue have obtained leave to appeal to the House of Lords, but it is not known as yet whether they in fact intend to proceed with an appeal. In the event of their proceeding with the appeal the Council intend to give financial support to Messrs. Bentleys, Stokes and Lowless, though the potential liability in the event of failure before the House of Lords will be comparatively small, owing to the fact that leave to appeal to the House of Lords was only given to the Board of Inland Revenue on the basis that they did not seek to upset the orders as to costs in the Chancery Division and in the Court of Appeal and that they paid their own costs in any event in the House of Lords.

Mr. P. D. Botterell, solicitor, of Burley, Hants, left £102,112 (£100,846 net).

Mr. S. N. Carvalho, solicitor, of Moorgate, London, E.C.2, left £28,669 (£28,326 net).

Mr. W. Chadwick, solicitor, of Oldham, left £19,250 (£16,557 net).

Mr. J. D. H. Osborn, solicitor, of Abergele, left £36,794 (£36,585 net).

NOTES OF CASES

JUDICIAL COMMITTEE OF THE PRIVY COUNCIL

PUBLIC AUTHORITIES' PROTECTION: HARBOUR BOARD ACTING AS WAREHOUSEMEN

Firestone Tire and Rubber Co. (S.S.), Ltd. *v.* Singapore Harbour Board

Lord Normand, Lord Tucker, Lord Asquith of Bishopstone and Lord Cohen. 10th June, 1952

Appeal from the Court of Appeal of Singapore.

By the Singapore Ports Ordinance, the respondent board were authorised to construct warehouses, and let them to wharfingers and warehousemen, or alternatively to carry on such activities themselves, as they in fact did. In 1946 certain goods of the plaintiff-appellants were received by the board in one of their godowns, and in July of that year the board made delivery to the plaintiffs, certain items being missing. In June, 1948, the plaintiffs brought an action for damages for short delivery. The trial judge gave in their favour a judgment which was reversed by the Court of Appeal of Singapore on the ground that the action was barred by s. 2 of the Public Authorities Protection Ordinance of the Straits Settlements which (substantially reproducing the language of s. 1 of the Public Authorities Protection Act, 1893) provides that an action shall not lie, unless commenced within six months after the act, neglect, or default complained of, when commenced "against any person for any act done in pursuance . . . of any public duty or authority, or in respect of any alleged neglect or default in the execution of any such . . . duty or authority." The plaintiffs appealed.

LORD TUCKER, delivering the judgment, said that the only question was whether the board, in receiving the plaintiffs' goods, were acting "in pursuance of any public duty or authority." The test was not whether the act was *intra vires*. Viscount Maugham had said in *Griffiths* v. *Smith* [1941] A.C. 170, at p. 185, that "it is sufficient to establish that the act was in substance done in the course of exercising for the benefit of the public an authority or power conferred on the public authority not being a mere incidental" (i.e., subsidiary) "power, such as a power to carry on a trade." The board had, under the powers conferred on them, elected to carry on the activities of wharfingers and warehousemen themselves; such activities were essential to the proper running of the port for which they were responsible, and so constituted one of the main purposes for which they had received their powers. The board were, accordingly, entitled to the protection of the Ordinance. Appeal dismissed.

APPEARANCES: *W. Raeburn*, Q.C., and *R. Withers Payne* (*Smith & Hudson*, for *Drew & Napier*, Singapore); *K. Diplock*, Q.C., and *J. F. Donaldson* (*Parker, Garrett & Co.*).

[Reported by F. R. DYMOND, Esq., Barrister-at-Law.]

QUEEN'S BENCH DIVISION

ADOPTION: CONSENT OF PARENTS: UNREASONABLE WITHHOLDING OF CONSENT

Hitchcock *v.* W. B. and F. E. B. and Others

Lord Goddard, C.J., Hilbery and Devlin, JJ. 27th May, 1952

Case stated by Newport justices.

A man and his wife were married in June, 1949, the husband then having criminal tendencies. The wife left him in the same month. A child was born in February, 1950. In May, 1950, the husband was sentenced to four months imprisonment, and the wife obtained an order for the custody of the child. In September, the husband was put on probation for a further offence. In December, 1950, he found work at a hospital, where he had continued satisfactorily ever since. In April, 1951, he made an application for custody, as the child had been placed by the wife with foster-parents soon after birth. The justices found that the wife was spitefully preventing the husband from having access to the child, but made no order, and their decision was affirmed by Romer, J., without prejudice to any future application. An application for adoption was made under the Adoption Act, 1950, by two persons. The mother consented; the father refused consent. The Act provides by s. 3 (1): "The court may dispense with any consent . . . if it is satisfied . . . (*c*) in any case, that the person whose consent is required cannot be found . . . or that his consent is unreasonably withheld." The justices made an adoption order, holding that they could dispense with the consent of the father as being "unreasonably withheld" because his application for custody had been dismissed by the justices, whose order had been affirmed. The father having required the justices to state a case, the case included the following findings: (*a*) the father had no home in which he could immediately keep the child; (*b*) he was a good worker, and satisfactory at his work, and (*c*) he had always wanted the infant to remain his child, and wished to carry out his parental duties.

LORD GODDARD, C.J., said that the ground relied on by the justices should not have been taken into account at all. Because one parent was given custody, it did not follow that the other parent should be deprived for life of all rights over the child. Considerations concerning custody differed from those concerning adoption, which was a most serious matter. In custody cases the overriding consideration was the welfare of the child. The justices had probably and understandably been moved by this consideration, and had overlooked the fact that they were making an adoption order, and that their duty was to proceed under the Act to decide whether or not the father's refusal was unreasonable. Their decision was contradicted by their findings of fact as to the present conduct and intention of the father; there was no evidence upon which they could find that he was unreasonable. The mere fact that the adoption order would be for the benefit of the child did not make the father's refusal unreasonable.

HILBERY and DEVLIN, JJ., agreed. Appeal allowed.

APPEARANCES: *J. Maude*, Q.C., and *W. M. Huntley* (*Woodcock, Ryland & Co.*, for *Vicary & Knight*, Warminster); *L. Herrick Collins* (*David Morris*, Newport, Mon.; *Withy, King & Lee*, Bath; *Sylvester & Mackett*, Trowbridge).

[Reported by F. R. DYMOND, Esq., Barrister-at-Law.]

JUSTICES: OFFENCE TRIABLE SUMMARILY OR ON INDICTMENT: WHETHER NECESSARY FOR PROSECUTOR TO APPLY FOR SUMMARY TRIAL

James *v.* Bowkett

Lord Goddard, C.J., Slade and Parker, JJ.

12th June, 1952

Case stated by Monmouthshire justices.

The Criminal Justice Act, 1948, provides by s. 28 (1): ". . . where a person . . . is charged before a court of summary jurisdiction with an offence which . . . is punishable either on summary conviction or on conviction on indictment, then if application in that behalf is made by the prosecutor before the charge has been entered upon, the court may then determine to try the case summarily; but if the court does not so determine it shall proceed to hear the case as if the offence were punishable on conviction on indictment only." The defendant was charged with being drunk in charge of a motor vehicle, an offence within the above section. The prosecutor made no application for a summary trial. The clerk to the justices informed the defendant of his right to be tried by a jury; he elected to be tried summarily and pleaded not guilty. At the close of the case for the prosecution, the defendant submitted that the justices had no jurisdiction, as the prosecutor had made no application within the terms of the section. The justices convicted the defendant, who appealed.

LORD GODDARD, C.J., said that the section was merely procedural; it merely preserved the right of a defendant to elect to go before a jury, and did not lay down as a condition precedent that the prosecutor should make the application suggested. In proceeding with his case after the defendant had elected to be tried summarily, instead of applying for the case to be committed, the prosecutor had impliedly applied for a summary trial. The purpose of the provision was that, if the prosecutor applied as specified, the depositions need not be taken; and it would be better in future if the clerk were to ask the prosecutor whether he applied for a summary trial.

SLADE and PARKER, JJ., agreed. Appeal dismissed.

APPEARANCES: *L. Caplan* (*W. F. Gillham*, for *L. J. Slade*, Newent); *F. W. I. Barnes* (*Torr & Co.*, for *W. K. G. Thurnall*, Newport, Mon.).

[Reported by F. R. DYMOND, Esq., Barrister-at-Law.]

LICENSING: DRUNKENNESS IN PRIVATELY-HIRED ROOM

Stevens *v.* Beattie and Another

Lord Goddard, C.J., Slade and Parker, JJ.

12th June, 1952

Case stated by Middlesex justices.

The permitted hours for a certain public house were 11.30 a.m. to 2.30 p.m., and 5.30 p.m. to 10.30 p.m. On the occasion of a wedding reception, an upper room was hired, and an exemption order was granted permitting the consumption of liquor between 2.30 p.m. and 5.30 p.m. On the day of the reception, the defendants were found drunk in the upper room at 8.15 p.m. They were charged with being found drunk on licensed premises, contrary to s. 12 of the Licensing Act, 1872. The justices found that, as the upper room had been privately hired, the public had no access and the licensee no possession, so that the room was not "licensed premises" at the time, and they dismissed the information. The prosecutor appealed. The defendants did not appear.

LORD GODDARD, C.J., said that "licensed premises" meant premises in respect of which a justices' licence was in force, as it was at the material time, which was in the ordinary hours of opening. If premises were licensed, the whole of the premises were licensed, and it was wrong to think that if a particular room had been privately hired, it ceased to be part of the licensed premises. The case must go back to the justices.

SLADE and PARKER, JJ., agreed. Appeal allowed.

APPEARANCES: *F. H. Lawton* (*Solicitor, Metropolitan Police*).

[Reported by F. R. DYMOND, Esq., Barrister-at-Law.]

COURT OF CRIMINAL APPEAL

CRIMINAL LAW: PREVENTIVE DETENTION

R. *v.* Churchill

Lord Goddard, C.J., Slade and Parker, JJ. 16th June, 1952

Appeal against sentence.

On the hearing of an application for leave to appeal against a sentence of five years' preventive detention, made by a man aged thirty-one, LORD GODDARD, C.J., said that the court had often stated that such a sentence should not be passed unless the offender was of such an age, or in such a state of health, that he might be expected to spend his last days in prison if a longer sentence were given. The object of preventive detention was to protect the public from those who had shown themselves to be a menace to society when at large; it was no longer a question of punishment, which had already been shown to be useless. Parliament had intended that a longer sentence should be imposed than that applicable to the particular offence charged. The same remission could be earned as in the case of imprisonment, which meant that five years could be reduced to three years and four months for good conduct, a period too short to protect the public or to change the prisoner's habits. Further, as in the case of corrective training, there was only limited accommodation for prisoners so sentenced, and if many short sentences were given there would be difficulty in accommodating those who had received substantial sentences. If a court thought that a prisoner should not be sentenced to a period greater than from five to seven years, the sentence should be that of imprisonment, except in the case of elderly men.

[Reported by F. R. DYMOND, Esq., Barrister-at-Law.]

SURVEY OF THE WEEK

HOUSE OF LORDS

PROGRESS OF BILLS

Read First Time:—

Affiliation Orders Bill [H.C.]	[1st July.
Cockfighting Bill [H.C.]	[1st July.
Defamation Bill [H.C.]	[1st July.
Disposal of Uncollected Goods Bill [H.C.]	[1st July.
Finance Bill [H.C.]	[1st July.
Heating Appliances (Fireguards) Bill [H.C.]	[1st July.
Hypnotism Bill [H.C.]	[1st July.
Lancaster Palatine Court (No. 2) Bill [H.C.]	[1st July.
Post Office (Amendment) Bill [H.C.]	[3rd July.
Post Office and Telegraph (Money) Bill [H.C.]	[1st July.

Read Second Time:—

Agriculture (Ploughing Grants) Bill [H.C.]	[1st July.
Children and Young Persons (Amendment) Bill [H.C.]	[1st July.
City of London (Guild Churches) Bill [H.C.]	[3rd July.
Glamorgan County Council Bill [H.C.]	[3rd July.
Town Development Bill [H.C.]	[1st July.
West Hartlepool Extension Bill [H.C.]	[3rd July.

Read Third Time:—

Irish Sailors and Soldiers Land Trust Bill [H.L.]	[3rd July.
Merchant Navy Memorial Bill [H.C.]	[1st July.
Pier and Harbour Provisional Order (Falmouth) Bill [H.C.]	[1st July.

HOUSE OF COMMONS

A. PROGRESS OF BILLS

Read First Time:—

Isle of Man (Customs) Bill [H.C.]	[1st July.

To amend the law with respect to customs in the Isle of Man.

Read Second Time:—

Housing (Scotland) Bill [H.C.]	[3rd July.
Scottish Amicable Life Assurance Society Bill [H.C.]	[30th June.

Read Third Time:—

Manchester Ship Canal Bill [H.L.]	[30th June.
Rating and Valuation (Scotland) Bill [H.C.]	[3rd July.
Rochester Corporation Bill [H.C.]	[3rd July.
Winchester Corporation Bill [H.L.]	[3rd July.

B. DEBATES

On the report stage of the **Disposal of Uncollected Goods Bill,** Miss ELAINE BURTON moved a new clause to deal with cases where goods had been accepted by a trader for repair or for other treatment before the date when the Bill came into force; and where the trader did not then know the address of the customer. In those circumstances the trader would have to publish a notice in a local newspaper within one month of the Bill coming into force, and where the trader had premises used for the purpose of accepting for repair or other treatment goods of the kind he was proposing to sell he would have to display a notice in those premises that he was going to sell certain uncollected goods. The notice would have to be put up within a month of the Bill coming into force, and would have to remain exhibited for twelve months before the trader could sell the goods. Another provision of the new clause exempted goods to which the clause was applicable from the requirement of sale by public auction. The new clause was agreed to.

Miss Burton next moved an amendment to cl. 1 (Power of bailees to sell goods accepted for repair or other treatment but not redelivered) designed to make it clear that where a trader had a number of branches at which he accepted goods, e.g., for cleaning, he would have to display a notice in all his premises before he could sell goods accepted at any one of them. This amendment was agreed to, as also was an amendment prohibiting a trader who was selling the goods of a customer from including in the transaction goods he had not received from the customer. An amendment was also agreed to, requiring the trader where goods were sold by public auction to keep a record of the name and principal place of business of the auctioneer, and where goods were sold privately and for more than £1 a record of the name and address of the buyer. [27th June.

On the motion for the third reading of the **Lancaster Palatine Court (No. 2) Bill,** Mr. PHILIP BELL said the Bill had the effect of making the administration of justice speedier and, he hoped, cheaper. There was a local Lancaster Palatine Court whose services were perhaps not made the most of, and the Bill sought to permit the transfer of suitable cases from the High Court to the Palatine Court if they were the kind of case with which that court could conveniently deal. This would relieve congestion, particularly at the assizes, and would save witnesses and lawyers the expense of coming to London. The ATTORNEY-GENERAL said that Mr. Bell had done something of real public benefit in

promoting the Bill and everyone had been glad to give him assistance. [27th June.

On the third reading of the **Defamation (Amendment) Bill,** Sir LYNN UNGOED-THOMAS moved to leave out cl. 5 (Justification). This clause provided that such a defence should not fail " by reason only that the truth of every charge was not proved, if the words not proved to be true did not materially injure the plaintiff's reputation having regard to the truth of the remaining charges." He objected to the clause because, where a defendant brought two charges, one justifiable and the other unjustifiable, then in the circumstances contemplated in cl. 5 the unjustifiable charge would, in effect, be brushed aside and the plaintiff would be allowed no redress at all in respect of it. Mr. DAVID WEITZMAN said every lawyer who practised in this field knew that when he was advising in a libel action he was sometimes met by the fact that most of the words used were well justified, but there was one small point which could not be justified. A plaintiff was not entitled to have damages for damage to a reputation to which he was not entitled. Mr. CHUTER EDE said the attacker ought to exercise reasonable care that his attack was true. The ATTORNEY-GENERAL said he thought the clause was justified and should be retained. Mr. N. H. LEVER said the defence of justification in English common law meant that a defendant had to prove that what had been said was substantially true and that the sting of what was said about a man was true. The trouble lay in the fact that in the useless over-refinement of legal quibble a tendency had grown up which had damaged this fundamental principle of common law. The tendency was for judges and lawyers to split up sentences and phrases and to treat what ordinary folk would treat as one libel as a whole series of libels, and the defendant had been put to prove every single phrase in the libel. Sir LYNN UNGOED-THOMAS'S amendment was negatived.

Next, the ATTORNEY-GENERAL moved two amendments to cl. 9 (Limitation of privilege). This clause was designed to prevent a candidate at an election claiming some sort of special privilege because he was a candidate. His amendment aimed at preventing a candidate retaining such privilege by a side-wind as it were, i.e., by claiming that he had spoken the words not as a candidate, but as an elector where it so happened he was an elector for the division in which he was standing. The amendments were agreed to.

Sir LIONEL HEALD then moved to leave cl. 10 out of the Bill (Extracts from parliamentary reports). The clause was designed to protect publishers authorised by either House, who were commissioned by Members to print and circulate extracts from their speeches. He considered that the clause merely gave an added privilege which was not wanted by the publishers. They decided in each case whether the extract was libellous or not and decided to print it or not accordingly. Sir LYNN UNGOED-THOMAS asked whether the Law Officers decided this question on behalf of the Queen's Printer. If so, they might be in an invidious position if the speech in question were upon a matter of acute party controversy. The ATTORNEY-GENERAL said the Law Officers could always take outside opinion as to whether a particular speech was defamatory. Mr. LESLIE HALE said he had moved the clause in committee on behalf of Mr. Geoffrey Bing. The aim was to help the Stationery Office, but apparently they did not want to be helped. The House would remember the case of Lord Barnard, who had quarrelled with his solicitor, a fatal thing to do, and had decided to say the rudest things he could about him in a privileged speech in the House of Lords. He then, unfortunately, disseminated his speech outside the House and was convicted and fined £100 and sentenced to three months' imprisonment. Mr. BING said the present position was that before outside publication every Member's speech was subject to censorship by the Law Officers. This was quite wrong and he hoped the clause would be kept in the Bill. After further discussion the amendment was agreed to.

Sir LIONEL HEALD moved to leave out of the Bill cl. 11 (Defamation of undefined groups). The clause had nothing to do with " group libel." It dealt with the case where a statement had been made which could not in law be regarded as being applicable to one or more of a number of people, and the question was in what circumstances they had the right to proceed. The mover of the clause, Mr. Hale, had probably had in mind the case of *Braddock* v. *Bevins*, in which the Court of Appeal held that friends of Mrs. Braddock had no right of action in respect of a libel in an election address which referred to her and her friends, the reason being that the words were not in law capable of referring other than to Mrs. Braddock herself. The House of Lords had recently considered the matter in *Knupffer* v. *London Express Newspapers*. It had been held that it was essential that the words complained of should be published " of the plaintiff." Where the plaintiff was not named the test appeared to be whether the words would reasonably lead those acquainted with the plaintiff to the conclusion that he was the person actually referred to, and the question whether the words did so in fact did not arise and could not arise if they could not be regarded in law as capable of referring to him. If the libel clearly referred to the members of a group, they had an individual cause of action. For instance, in 1877 eight trustees had recovered for a libel on them collectively. Again, a reference to " the religious authorities of Queenstown " had in another case enabled the bishop and six resident clergy to recover. He thought the law as it stood was quite adequate.

Mr. BARNETT JANNER, supporting the clause, said its aim was to protect an individual who had suffered damage in consequence of an attack on a group of which he was a member. It sought to prevent vicious attacks on groups by persons who would not name individuals. To assist the passage of the Bill, however, both he and Mr. HALE agreed to the deletion of the clause. [27th June.

C. QUESTIONS

LEASEHOLD PROPERTY LAW

The ATTORNEY-GENERAL said the question of leasehold reform would be very carefully considered, but he could give no undertaking that the Government's statement would be in the form of a White Paper. He could not say by what date a decision would be reached. [30th June.

NATIONAL ASSISTANCE (PROSECUTIONS)

Mr. OSBERT PEAKE stated that seventy-nine persons had been prosecuted under the National Assistance Act for persistently neglecting to maintain themselves, some of them on more than one occasion. [30th June.

FOOD AND DRUGS ACT (LEGISLATION)

Dr. CHARLES HILL stated that a Bill to amend the Food and Drugs Acts would be introduced when the state of parliamentary business permitted. [30th June.

CRIMES OF VIOLENCE (CONVICTIONS)

The HOME SECRETARY stated that the number of persons found guilty in England and Wales of robbery, rape and such offences of violence against the person as murder, attempted murder, manslaughter, wounding and indictable assaults were 2,717 in 1947 and 4,274 in 1951. [3rd July.

STATUTORY INSTRUMENTS

Barley Order, 1952. (S.I. 1952 No. 1227). 6d.

Coal Industry Nationalisation (Superannuation) Regulations, 1952. (S.I. 1952 No. 1233.)

Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Order in Council, 1952. (S.I. 1952 No. 1219.) 5d.

Diseases of Animals (Extension of Definitions) Order, 1952. (S.I. 1952 No. 1236.)

Double Taxation Relief (Taxes on Income) (Guernsey) Order, 1952. (S.I. 1952 No. 1215.) 6d.

Double Taxation Relief (Taxes on Income) (Jersey) Order, 1952. (S.I. 1952 No. 1216.) 6d.

Double Taxation Relief (Taxes on Income) (Kenya) Order, 1952. (S.I. 1952 No. 1214.) 6d.

Double Taxation Relief (Taxes on Income) (Tanganyika) Order. 1952. (S.I. 1952 No. 1212.) 6d.

Double Taxation Relief (Taxes on Income) (Uganda) Order, 1952. (S.I. 1952 No. 1213.) 6d.

Double Taxation Relief (Taxes on Income) (Zanzibar) Order, 1952. (S.I. 1952 No. 1211.) 6d.

Dredge Corn (Great Britain and Northern Ireland) (Amendment) Order, 1952. (S.I. 1952 No. 1226.) 5d.

Eggs (Great Britain and Northern Ireland) (Amendment No. 5) Order, 1952. (S.I. 1952 No. 1261.)

Exchange of Securities Rules, 1952. (S.I. 1952 No. 1256.) 5d.

Draft **Factories** (Cotton Shuttles) Special Regulations, 1952.

Family Allowances and National Insurance Act, 1952 (Commencement) Order, 1952. (S.I. 1952 No. 1249 (C. 7).)

Feeding Stuffs (Prices) Order, 1952. (S.I. 1952 No. 1203.) 1s. 5d.
Grassland Fertilisers (Scotland) (Revocation) Scheme, 1952. (S.I. 1952 No. 1248 (S. 60).)
Great Ouse River Board (River Ouzel Internal Drainage District) Order, 1952 (S.I. 1952 No. 1244) *and* Great Ouse River Board (River Ouzel Internal Drainage District) (Appointed Day) Order, 1952 (S.I. 1952 No. 1245). [*Printed together as one document.*] 6d.
Greenwich Hospital (Widows Pensions) Order, 1952. (S.I. 1952 No. 1221.)
Herts and Essex Water Order, 1952. (S.I. 1952 No. 1267.) 5d.
Import Duties (Drawback) (No. 6) Order, 1952. (S.I. 1952 No. 1243.)
Import of Goods (Control) (Amendment) Order, 1952. (S.I. 1952 No. 1204.)
Maintenance Orders (Facilities for Enforcement) (Northwest Territories) Order, 1952. (S.I. 1952 No. 1220.)
This Order extends the Maintenance Orders (Facilities for Enforcement) Act, 1920, to the Northwest Territories of Canada as from 24th June, 1952.
Milk (Control and Maximum Prices) (Great Britain) (Amendment No. 2) Order, 1952. (S.I. 1952 No. 1239.) 5d.
Milk (Control and Maximum Prices) (Northern Ireland) (Amendment) Order, 1952. (S.I. 1952 No. 1238.)
Monmouth Rural Water Order, 1952. (S.I. 1952 No. 1234.) 6d.
National Health Service (Scotland) (Superannuation) Amendment Regulations, 1952. (S.I. 1952 No. 1260 (S. 61).) 6d.
National Health Service (Superannuation) (Amendment) (No. 1) Regulations, 1952. (S.I. 1952 No. 1263.)
National Health Service (Superannuation) (Amendment) (No. 2) Regulations, 1952. (S.I. 1952 No. 1264.) 6d.
National Insurance (Claims and Payments) Amendment Regulations, 1952. (S.I. 1952 No. 1207.) 8d.
National Insurance (Increase of Benefit and Miscellaneous Provisions) Provisional Regulations, 1952. (S.I. 1952 No. 1251.) 8d.
National Insurance (Increase of Benefit and Miscellaneous Provisions) (Transitional) Regulations, 1952. (S.I. 1952 No. 1252.) 8d.
National Insurance (Industrial Injuries) (Claims and Payments) Amendment Regulations, 1952. (S.I. 1952 No. 1208.) 8d.
National Insurance (Industrial Injuries) (Increase of Benefit and Miscellaneous Provisions) Regulations, 1952. (S.I. 1952 No. 1250.) 6d.
North of Scotland Hydro-Electric Board (Constructional Scheme No. 67) Confirmation Order, 1952. (S.I. 1952 No. 1225 (S. 59).)
Oats (Great Britain) Order, 1952. (S.I. 1952 No. 1230.) 6d.
Oats (Northern Ireland) Order, 1952. (S.I. 1952 No. 1231.) 6d.
Old Metal Dealers (No. 3) Order, 1952. (S.I. 1952 No. 1232.)
Post-War Credit (Income Tax) Regulations, 1952. (S.I. 1952 No. 1255.)
Remuneration of Teachers Amending Order, No. 2, 1952. (S.I. 1952 No. 1265.)
Remuneration of Teachers (Farm Institutes) Amending Order, No. 2, 1952. (S.I. 1952 No. 1266.)
Rye Order, 1952. (S.I. 1952 No. 1228.) 5d.
Stopping up of Highways (Oxfordshire) (No. 1) Order, 1952. (S.I. 1952 No. 1197.)
Teachers' Superannuation (British Families Education Service) Scheme, 1952. (S.I. 1952 No. 1223.) 5d.
Teachers' Superannuation (Guernsey and Alderney) Scheme, 1952. (S.I. 1952 No. 1222.)
Territorial Army (Transfer of Property) (Burntisland, Fife) Order, 1952. (S.I. 1952 No. 1217.) 5d.
Trading with the Enemy (Enemy Territory Cessation) (Indonesia) Order, 1952. (S.I. 1952 No. 1246.)
Wakefield (Amendment of Local Enactment) Order, 1952. (S.I. 1952 No. 1247.)
Wheat (Great Britain and Northern Ireland) (Amendment) Order, 1952. (S.I. 1952 No. 1229.) 5d.
Wool (Fellmongering) (Revocation) Order, 1952. (S.I. 1952 No. 1237.)
Wrexham and East Denbighshire Water Order, 1952. (S.I. 1952 No. 1235.) 8d.

[Any of the above may be obtained from the Government Sales Department, The Solicitors' Law Stationery Society, Ltd., 102–103 Fetter Lane, E.C.4. The price in each case, unless otherwise stated, is 4d., post free.]

NOTES AND NEWS

Honours and Appointments

Mr. T. W. FAGG has been appointed Clerk to Chislehurst and Sidcup Urban Council.

Mr. ALFRED ROAD, C.B.E., has been appointed Chief Inspector of Taxes in succession to Sir Charles Foulsham, who is retiring from the public service on 1st October next.

Mr. ROBERT BERNARD WATERER, C.B., has been appointed Solicitor of Inland Revenue in succession to Sir Bernard Blatch, M.B.E., who is retiring from the public service on 1st October next.

Miscellaneous

We are asked to state that the Robert Clayborn Wilson referred to at p. 418 of our issue of the 28th June has no connection with Walter Frederick Wilson (who has been in practice in Margate since 1900) whose address is 19 Cecil Square, Margate, and at Canterbury, Herne Bay and Birchington.

CORONATION OF HER MAJESTY

COURT OF CLAIMS

The Right Honourable the Commissioners appointed by Her Majesty to hear and determine all claims of services to be performed at the time of Her Majesty's Coronation (except those dispensed with by Her Majesty's Royal Proclamation of the 6th June last) and of fees to be received for the same, will hold their first meeting at the Council Office on Monday, the 21st July instant, at 4.30 p.m., to settle procedure.

In accordance with custom, the Court will be opened in public, but the deliberations of the Commissioners will be in private.

Instructions to claimants will be issued in due course by notices in the London, Edinburgh and Belfast Gazettes, and in the Press.

DEVELOPMENT PLANS

CUMBERLAND COUNTY COUNCIL DEVELOPMENT PLAN

The above development plan was on 30th June, 1952, submitted to the Minister of Housing and Local Government for approval. It relates to land situate within the Administrative County of Cumberland (excluding the area within the Lake District National Park), and comprises land within the undermentioned districts.

A certified copy of the plan as submitted for approval has been deposited for public inspection at The Courts, Carlisle. Certified copies or extracts of the plan so far as it relates to the undermentioned districts have also been deposited for public inspection at the places mentioned below :—

Borough of Whitehaven, Town Hall, Whitehaven. Borough of Workington, Town Hall, Workington. Urban District of Cockermouth, Town Hall, Cockermouth. Urban District of Maryport, Town Hall, Maryport. Urban District of Penrith, Town Hall, Penrith. Rural District of Alston with Garrigill, Town Hall, Alston. Rural District of Border, 7 Victoria Place, Carlisle. Rural District of Cockermouth, Grecian Villa, Cockermouth. Rural District of Ennerdale, Council Chambers, Cleator. Rural District of Millom, Market Square, Millom. Rural District of Penrith, Mansion House, Penrith. Rural District of Wigton, Council Offices, Wigton.

The copies or extracts of the plan so deposited may be inspected from 9 a.m. to 5 p.m. (Saturdays 9 a.m. to 12 noon).

Any objection or representation with reference to the plan may be sent in writing to the Secretary, Ministry of Housing and Local Government, Whitehall, London, S.W.1, before 1st September, 1952, and should state the grounds on which it is made. Persons making an objection or representation may register their names and addresses with the Cumberland County Council and will then be entitled to receive notice of the eventual approval of the plan.

County of Middlesex Development Plan

The above development plan was on 30th June, 1952, submitted to the Minister of Housing and Local Government for approval. It relates to land situate within and comprising the Administrative County of Middlesex. A certified copy of the plan as submitted for approval has been deposited for public inspection at No. 1 Queen Anne's Gate Buildings, Dartmouth Street, Westminster, S.W.1. Certified extracts of the plan so far as it relates to the undermentioned districts have also been deposited for public inspection at the places mentioned below :—

Boroughs	Place of Deposit
Acton	Town Hall, Acton, W.3
Brentford and Chiswick	Town Hall, Chiswick, W.4
Ealing	Town Hall, Ealing, W.5
Edmonton	Town Hall, Edmonton, N.9
Finchley	Housing and Town Planning Department, The Avenue, Finchley, N.3
Hendon	Town Hall, Hendon, N.W.4
Heston and Isleworth	Borough Surveyor's Department, 88 Lampton Road, Hounslow
Hornsey	Town Hall, Crouch End Broadway, N.8
Southall	Town Hall, High Street, Southall
Southgate	Town Hall, Palmers Green, N.13
Tottenham	Town Hall, Tottenham, N.15
Twickenham	Municipal Offices, Twickenham
Wembley	Town Hall, Forty Lane, Wembley
Willesden	Town Hall, Dyne Road, Kilburn, N.W.6
Wood Green	Town Hall, High Road, Wood Green, N.22
Urban Districts	**Place of Deposit**
Enfield	Public Offices, Gentleman's Row, Enfield
Feltham	Town Planning Department, Council Offices, Feltham
Friern Barnet	Town Hall, Friern Barnet, N.11
Harrow	Engineer and Surveyor's Office, Cottesmore, Uxbridge Road, Stanmore
Hayes and Harlington	Engineer and Surveyor's Department, Town Hall, Hayes
Potters Bar	Council Offices, Darkes Lane, Potters Bar, and Engineer and Surveyor's Office, Wyllyotts Manor, Potters Bar
Ruislip-Northwood	Council Offices, Oaklands Gate, Northwood
Staines	Engineer and Surveyor's Department, Shortwood House, 240 London Road, Staines
Sunbury-on-Thames	Council Offices, Green Street, Sunbury
Uxbridge	Council Offices, 265 High Street, Uxbridge
Yiewsley and West Drayton	Drayton Hall, West Drayton

The copy or extracts of the plan so deposited may be inspected until 22nd August, 1952, from 10 a.m. to 4.30 p.m. (Saturdays 9.30 a.m. to 12 noon).

Any objection or representation with reference to the plan may be sent in writing to the Secretary, Ministry of Housing and Local Government, at Whitehall, London, S.W.1, before 31st August, 1952, and should state the grounds upon which it is made. Persons making an objection or representation may register their names and addresses with the Middlesex County Council, Guildhall, Westminster, S.W.1, and will then be entitled to receive notice of the eventual approval of the plan.

County Development Plan for Nottinghamshire

The above development plan was on 27th June, 1952, submitted to the Minister of Housing and Local Government for approval. It relates to land situate within the Administrative County of Nottingham and comprises land within the undermentioned districts.

A certified copy of the plan as submitted for approval has been deposited for public inspection at the following addresses :—

The County Planning Office, Shire Hall, Nottingham. The Area Planning Office, 76 West Gate, Mansfield.

Certified copies or extracts of the plan so far as it relates to the undermentioned districts have also been deposited for public inspection at the places mentioned below :—

District Council	Administrative Offices
Mansfield Borough	Town Hall, Mansfield
Newark Borough	Town Hall, Newark
Retford Borough	Town Hall, Retford
Worksop Borough	Town Hall, Worksop
Arnold Urban District	Arnot Hill House, Arnold, Nottingham
Beeston and Stapleford Urban District	Town Hall, Beeston, Nottingham
Carlton Urban District	Council Offices, Burton Road, Carlton, Nottingham
Eastwood Urban District	Public Offices, Church Street, Eastwood, Nottingham
Hucknall Urban District	Council Offices, Hucknall, Nottingham
Kirkby-in-Ashfield Urban District	Public Offices, East Kirkby, Nottingham
Mansfield Woodhouse Urban District	Council Offices, Manor House, Mansfield Woodhouse, Mansfield
Sutton-in-Ashfield Urban District	Barclays Bank Chambers, Low Street, Sutton-in-Ashfield, Nottingham
Warsop Urban District	Town Hall, Warsop, Mansfield
West Bridgford Urban District	The Hall, West Bridgford, Nottingham
Basford Rural District	Rock House, Stockhill Lane, Basford, Nottingham
Bingham Rural District	Council Offices, Bingham, Nottingham
East Retford Rural District	Amcott House, Grove Street, East Retford
Newark Rural District	Lombard Street, Newark
Southwell Rural District	8 Westgate, Southwell
Worksop Rural District	Highfield House, Carlton Road, Worksop

The copies or extracts of the plan so deposited may be inspected during normal office hours.

Any objection or representation with reference to the plan may be sent in writing to the Secretary, Ministry of Housing and Local Government, Whitehall, London, S.W.1, before 1st September, 1952, and should state the grounds upon which it is made. Persons making an objection or representation may register their names and addresses with the Clerk of the Nottinghamshire County Council, and will then be entitled to receive notice of the eventual approval of the plan.

OBITUARY

Mr. E. P. Careless

Mr. Edward Powell Careless, solicitor, of Llandrindod Wells, died on 30th June, aged 81. Admitted in 1895, he was clerk to the justices for New Radnor and coroner for Radnor.

Mr. J. Greaves

Mr. John Greaves, solicitor, of Bradford, died on 4th July, aged 76. He was admitted in 1897.

Mr. W. E. Lester

Mr. Walter Edwin Lester, solicitor, of Nuneaton, died on 30th June, aged 69. He was admitted in 1905 and was formerly clerk to the justices.

Mr. J. A. Lewis

Mr. John Arthur Lewis retired solicitor, of Bristol, died on 29th June, aged 79.

Mr. A. R. Thomas

Mr. Alfred Randle Thomas, solicitor, of Helston, Cornwall, died on 23rd June, aged 92. Admitted in 1883, he was senior magistrate for the Borough of Helston and had been Mayor on two occasions.

SOCIETIES

The Law Society

The President (Mr. Geoffrey Collins), the Vice-President (Mr. D. L. Bateson), and the Council of The Law Society gave a dinner at the Society's Hall, Chancery Lane, on 3rd July. Among those present were : The Lord Mayor and the Sheriffs of London, Lord Oaksey, the Lord Chief Justice, the Master of the Rolls, Lord Asquith, Lord Justice Singleton, Lord Justice Morris, Mr. Osbert Peake, M.P., Mr. Justice Slade, Mr. Justice Collingwood, Mr. Justice Roxburgh, Mr. Justice Pearce, Mr. Justice Upjohn, Mr. Justice McNair, Judge Brett Cloutman, V.C., Q.C., Sir Reginald Manningham-Buller, Q.C., M.P., Sir Gerald Dodson, Sir Leonard Holmes, Sir Denys Stocks, Sir Richard Yeabsley, Sir Gerald Kelly, Sir David Pye, Sir Anthony Pickford, Mr. W. C. Crocker, Mr. F. H. Jessop, Mr. W. E. M. Mainprice, and Mr. W. A. Coleman.

The Solicitors' Articled Clerks' Society are holding a debate at The Law Society's Hall, Chancery Lane, London, W.C.2, on Thursday, 17th July, 1952, at 7.30 p.m. The terms of the motion, which have been amended, are that " This House considers that the present divorce laws are generally satisfactory." Speakers will be members of the Society, but guests are invited to attend. The debate will be preceded by refreshments at 6 p.m.

Full details of the July activities of the S.A.C.S. are to be found in the monthly magazine of the Society, issued free to members. Inquiries regarding membership or activities of the S.A.C.S. should be addressed to the Secretary, S.A.C.S., c/o Law Society's Hall, Chancery Lane, London, W.C.2.

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